Hannah Arendt's Triumph *Judith Shklar*

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A Journal of Politics and the Arts—December 27, 1975, 50 cents

Politics Against Government

Paul Starr

Gag Rule — *Nathan Lewin*

Black Democrats — *Ken Bode*

Mencken Redivivus — *Gerald W. Johnson*

Hollywood Extras — *Gerald Mast*

A Christmas Carol — *Roger Rosenblatt*

A Debate on Terrorism

Michael Walzer, Roger Morris, J. Bowyer Bell

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TRB

from Washington ®
December 27, 1975

Strange Bedfellows

The earphone is clamped to his left ear with the mike in front of his mouth on a rod. "I'm looking at a minute and a quarter," he says.

The room is tense and electric, with the press down in front and the public behind. The still cameramen roam the crowd, the free agents.

"Coming up for 30 seconds," says the radio man . . . "15 seconds . . . " Clapping. Ronald Reagan enters the ballroom of the National Press Club, at precisely 9:30 am, Mrs. Reagan, with a fixed smile, behind him. "Thanks for coming. I have called this press conference to announce that I am a candidate for the presidency," he says. He is ruddy and rugged. He is fine looking. He gives a slick, smooth performance. He is running against the government, it turns out, the government he wants to head. President Ford is running against the government, too. So is Gov. Wallace. They are all running against the government; they all hate the government. "The root of the problem is right here in Washington," Mr. Reagan explains. He answers questions quickly, immediately, fluently. He doesn't overact. The still cameras click like crickets.

Now it is three weeks later. The papers banner the news: "Reagan Tops Ford as Gallup Finds A Sharp Reversal." Well how about that. Back in October, among Republicans, the President led Reagan 48 percent to 25 percent; but now it is the other way, Reagan 40 percent, Ford 32 percent. Well how about that.

Washington is a stunning city; always like this: one sensation chasing another. Wonderful for reporters. Last week it was the Gallup poll. This week it is the revelation of Jack Kennedy's "friend," who was also apparently a friend of two Mafia figures in 1961-1962, until J. Edgar Hoover found out about it. The select committee under Sen. Frank Church investigating the CIA's role in plots to assassinate foreign leaders ran across the story and was terribly discreet about it. They skated over it. No Women's Lib advocate could have eliminated gender more completely, as the chap said before falling into the personhole. "Evidence before the committee" the report says, "indicates that a close friend of President Kennedy . . . was also a close friend of John Roselli and Sam Giancana and saw them often during this same period." Who were John and Sam? Why they were apparently the hit men the CIA had picked for the Fidel Castro assassination attempt.

What a city. It has been like this now, going back 15 years. Always something new. Novelists write bizarre romances about Washington, which defy credibility and always the truth does them one better. The vice president resigned. The President resigned. Before that the White House bugged and eavesdropped and tapped and blacklisted, and dropped bombs and mounted invasions without telling Congress, and J. Edgar Hoover knew everything and had files on everybody. It reached a crescendo with Nixon, but before that Johnson and JFK and maybe Eisenhower winked at little indiscretions, like assassination, too.

The friend's name was Judith Campbell, now Judith Exner (but by the time you read this you will probably know more about it than I do as I write) and the Church Committee's investigators revealed 70 telephone toll calls "from the President's friend's residence . . . to the White House." J. Edgar Hoover sent a memo to the White House February 27, 1962, saying the friend had been associated with John and Sam; he lunched with the President on March 22. After that, there were no more calls. The line to Camelot was cut.

That was 14 years ago. So let us come back to Ronald Reagan. The new drama is playing.

First about the Gallup poll. It strikes me as inconclusive. Most of these preliminary polls, two months before the first primary in New Hampshire, February 24, are just tests in name recognition. But the Republican conservatives know Reagan and love him. Ronald Reagan is Goldwater revisited. Can he win the nomination? I would nc think so, and I would be almost certai he couldn't win the election. He is divisive factor in his party and if he too the nomination away from Jerry a lot c people would bear hard feelings.

He started as an intense liberal an ended an intense conservative. He vote for Truman yet by 1964 called th graduated income tax "immoral." would have voted against the Civ Rights Act of 1964" he said. He felt tha "Social Security ought to be voluntary. He attacked Medicare as socialize medicine. He told *Newsweek* in the wa that the enemy should "go to bed ever night" afraid that we would use atomi weapons.

He was just too much for the Ripo Society, the Republican research an policy group in Cambridge. "He is toda unqualified, " they wrote in a 24-pag analysis, " for any national post requir ing a high degree of administrative o diplomatic responsibility."

But the Ripon people are eggheads and that was 10 years ago. How abou today? Gov. Reagan's views are abou the same. Correspondent Norman Mill er wrote last month in *The Wall Stree Journal*: "He urges the abolishing, ove an unidentified period, of major socia programs currently costing $90 billion a year." The front page story continues "He says flatly he would end federal aic to education, and abolish welfare pro grams such as food stamps and Medi caid. He indicates also that he would stop subsidies for housing and federa revenue-sharing with states."

On ABC's "Issues and Answers,' November 30, Gov. Reagan proposec turning back welfare "to the state level' in order to kill instant eligibility for hungry indigents crossing state lines. It was like that before the Supreme Court interfered, he recalled.

Recently in this space I suggested that I did not believe Gov. George Wallace could get the Democratic nomination. It seems equally unlikely to me that Gov. Reagan will get the Republican nomination, though he might well knock off President Ford for somebody else.

Kevin Phillips in *Newsweek* last summer wrote an article headed, "A Reagan-Wallace Ticket." This would fuse the regular conservatives (Reagan) with the populists (Wallace). "Such a new party may take shape all across America by 1976," wrote Phillips hopefully. He is the philosopher who gave us *The Emerging Republican Majority* in 1969, and Nixon-Agnew.

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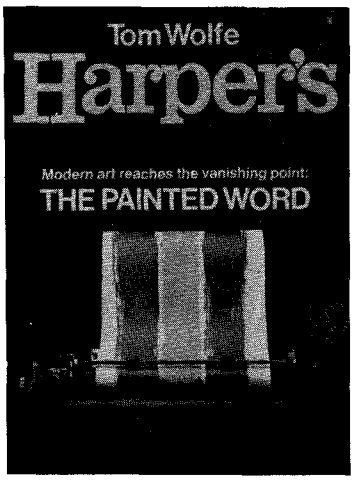

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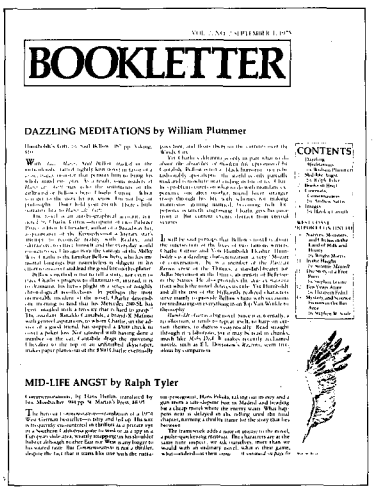
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THE NEW REPUBLIC *A Journal of Politics and the Arts, Vol. 173, No. 26, Issue 3181, December 27, 1975. Published weekly (except the issues of January 4, July 12, August 9, August 23) and distributed by* The New Republic, *1220 19th Street, N.W. Washington, DC 20036. Phone 331-7494. Single copy, 50¢; Yearly subscriptions, $17; foreign, $20; students, $10. Send all remittances and correspondence about subscriptions, undelivered copies and changes of address to Subscription Department,* The New Republic, *381 West Center Street, Marion, Ohio 43302.* *Copyright 1975 by The New Republic, Inc.* *Item g. Second class postage paid at Washington, DC and additional mailing offices. Indexed in Reader's Guide.*

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Breaking Up Oil

An angry mob is beating its way toward the American oil companies, and sooner or later it will catch them. Ever since the Arabs imposed an embargo and the Shah of Iran led OPEC in quadrupling the price of oil, the companies have feared a day of reckoning would come. They evaded the first clumsy attempts to put them on trial. Sen. Henry Jackson's hearings on the 1973 crisis sent up a lot of smoke but accomplished little else. Sen. Adlai Stevenson's proposal to create an independent, government-backed petroleum company died aborning in 1974. It never got out of the committee room. Sen. Philip Hart's plan to split the industry into refining and retailing segments didn't go far, nor did Sen. Frank Church's plan to create a federal oil importing agency. Then early this year the wind changed. For the first time in decades the industry lost a major fight in Congress: the percentage depletion allowance—a tax break enjoyed by oil producers for 50 years—was rewritten to deny benefits to the largest companies. Now suddenly plans to restructure the industry seem to be winning ground.

One sign that the oil revisionists are gaining strength was Sen. Edward Kennedy's decision to add his name to their list of leaders. Sometime last summer an aide suggested that it was time to join the cause, and Kennedy agreed. Not one to waste time on ineffective gestures, Kennedy quickly found himself a subcommittee to chair (a new one was created just for him, called the energy subcommittee of the Joint Economic Committee), launched hearings and hastily wrote some legislation. He proposed an amendment to the natural gas price bill this fall that would have severed "horizontal" links in the energy business. It forbade oil producers from becoming coal and uranium producers and ruled out interlocking directorships between companies that produce "competitive fuels." It was the least controversial of several proposals to force the companies to divest themselves of certain assets. It won 39 votes. Other divestiture amendments written by senators who had been working on the idea for several years won about the same amount of support. Kennedy will reintroduce his plan as a bill next year, as will Hart, Abourezk, Bayh, Tunney and others on the get-oil squad. Meanwhile a former Kennedy aide, James Flug, has become chief counsel for a well-financed and ably staffed lobby called the Energy Action Committee. Though the group is in the early stages

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of hiring staff and plotting strategy, it has already decided it will spend at least a third of its time working for divestiture. The news of this anti-oil militancy swept like a chill November wind through the offices of the American Petroleum Institute, where oil lobbyists are massing for the next session of Congress.

Proposals to break the oil companies into smaller pieces have been around for a long time, but they are more likely to succeed in 1976 than before because people are angry about prices. Although petroleum is cheaper in the US than in any other industrial country, a price jump in one year from 30 cents to 52 cents for a gallon of gas is possible only through monopoly control of the market, and consumers know it. Since it isn't possible to strike at OPEC, the headquarters of price rigging, Americans are ready to attack the nearest surrogate—OPEC's collaborators and partners in this country, the major oil companies.

The restructuring plans can be divided into two general types: those like Kennedy's that seek to prevent the oil companies from becoming any more powerful than they were at the beginning of the Nixon administration, and those like Hart's and Abourezk's that seek to unbolt all the parts that make up the industry today and scatter them into the hands of new owners. Kennedy's plan is conservative, as such things go, and easier to defend. Hart's is bitterly opposed by the companies. None of the divestiture plans has been worked out in great detail, and the sponsors are not ready to predict how their legislation would affect the supply or the price of fuel between now and 1980. It's just possible that if the companies were broken up today, the price of oil would at first go higher. Yet all the reformers promise to create something that doesn't exist today, an energy market in the US in which fuel companies would compete for buyers. That is a worthy goal if one believes the capitalist system is basically sound. And eventually it would bring lower fuel prices.

Since the onset of serious price gouging in 1973, it's become apparent that unless the government intervenes to disrupt the private crude oil barter system in which all big companies participate, there never will be a free market. On the contrary, without some sort of policing, the industry is likely to become even less competitive and more dominated by the largest conglomerates than it is now. For example, a trend is underway already to rig *all* fuel prices upward according to price increases in Saudi Arabian crude oil. This couldn't happen if oil companies were competing vigorously with coal companies and with one another. But they aren't. The Federal Trade Commission estimated that in 1970, the 20 largest firms controlled 94 percent of US crude oil reserves, and the eight largest controlled 64 percent. Another private study found that oil companies in 1971 controlled 25 percent of the leases on federal coal lands, and that only four of those 77 leases were being mined. Less is known about leases on private land, but it's plain that oil companies are buying up the best coal and uranium prospects as they become available.

It's also apparent that the agencies that should enforce the law are unwilling to attack collusion in the oil industry. The federal regulatory commissions under Nixon and Ford set themselves the goal of increasing energy prices. The Justice Department is silent, and even the President dreams of other things, such as how to distribute new subsidies to makers of synthetic fuel.

Because no other agency will tackle the problem of concentrated power in the oil industry, Congress is left with the job. It's not the kind of job that Congress does well, for legislators and their staffs don't have the time or the expert knowledge to perform the delicate surgery that's needed to bring competitive life back into the energy business. But it's the only surgeon in town.

Hannah Arendt's Triumph

The life and death of a philosopher should have a more than personal significance. When Hannah Arendt died December 4, many people mourned a friend and a teacher, but some also knew that a shattered culture had lost one of its very last and finest voices. Now there is no one left who can speak about and out of the depth of the experience of German Jewry. She was one of the last survivors of a spiritual republic whose social history was as terrible and brief as it was intellectually radiant and enduring.

Hannah Arendt typically began her career as a philosopher with a dissertation on a subject that was neither Jewish nor German. It dealt with St. Augustine's concept of love. Soon after she realized that it was no longer possible to dwell quite so far above history and she turned to study the life of one of the first representatives of Jewish assimilation, Rahel Varnhagen. It was not meant to be biography but an investigation into the original situation of a group whose end was at hand. Newly emerged from the ghetto Rahel devoted her life to the Goethe cult and to German poetry generally. She would come to terms with her life as a Jew, of which she was ashamed, only on her deathbed. It was only then that we can see her, as Heine saw her, as fully human. Miss Arendt was not inclined to sympathize with such moral weakness, but she never rejected the more universal aspirations of that flawed individual life. When many years later she came to write about Rosa Luxemburg, whom she admired greatly, she did not forget to mention her heroine's perfect familiarity with and deep affection for German poetry. That was by no means all. German "Bildung" since the late 18th century gave its beneficiaries a complete knowledge and abiding passion for the

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classics, especially for the Greeks. Without forgetting Jerusalem, Miss Arendt's intellectual life was shaped at every turn by the memory of Athens.

It was with this inheritance that she began her work as a political theorist. Her own and her contemporaries' most intense and immediate experience was exile. The sufferings of exiles are hard to express directly and impossible to explain to those who have never felt them. Yet one of Miss Arendt's first political essays dealt with just that, and in a very philosophical way. Whatever merit the notion of the rights of man against the state may once have had, she argued, it had become clear, that, in the world of nation-states, to be stateless was to have no rights whatever. The first right of man was to belong to a political society. Without state-membership one is unwanted and displaced, superfluous, in short. This essay, and indeed how men have been systematically reduced to superfluousness, was to become one of the centerpieces of her first and most widely read book, *The Origins of Totalitarianism*. Its subject is not the beginnings, but the essence of this new regime. Following her masters, Aristotle and Montesquieu, Miss Arendt looked for the principles, and not at the history, of totalitarianism. As fear had been the principle of old despotisms, so terror was that of totalitarian regimes. These were unique, not only because of the technological and organizational instruments at their disposal, but because of their design. Their object was destruction as an end in itself. Neither self-interest, nor profit, nor aggrandizement, but a desire to render men mere depersonalized instruments of power moved the rulers of these regimes. To this purpose they developed entirely new ways of governing. When anti-Semitism and imperialism had enfeebled its class and state system, Europe was ready for racism, perpetual war and the totalitarian party and its leaders. The world of the masses met its fate. It has become fashionable to criticize the notion of totalitarianism as a Cold War invention devised to exploit and mobilize anti-Fascist opinion against Soviet Russia. Whatever small truth there may be in that charge, it does not apply to Miss Arendt's book, because its scope was far wider than its title suggests. It deals not with particular men or rulers but with the dynamics of the decay of Europe's public life. Totalitarianism becomes, in such a vision, the epitome as well as a constant possibility of a world half-mad at its best.

Miss Arendt's second and most profound work, *The Human Condition*, tells a very similar story, though in a less desperate tone. It is an account of that great reversal of values that makes the modern world the very obverse of antiquity. If we are to understand ourselves at all, we must look at ourselves in contrast to the Greeks. If we can no longer think like them, we also cannot think at all without them. Miss Arendt never displayed the nostalgia so common among exiles, but she did long for the lost wisdom of the ancients. They placed contemplation at the highest and labor at the lowest point of human endeavor; we have taken the opposite course and lost our bearings. They valued public activity, while we have forgotten that privacy is a state of civic deprivation. They gave economic occupations a subordinate place; we worship them. Christianity at least preserved communal and contemplative life, but the natural sciences and systematic, self-oriented doubt destroyed these and far from liberating us delivered us into the clutches of necessity. Estranged from the world of nature and history we cling to mere life, unable to grasp reality and deprived of common sense, authority and public traditions. We have disinherited ourselves, even in the absence of regimes given to pure evil. It is not the message of *The Human Condition* but the manner in which the argument is developed that gives it its distinction. Here speculative philosophy, the history of ideas and common experience are woven into a single web that reminds one only of one predecessor, Hegel.

The final volume of Miss Arendt's trilogy on political theory is *On Revolution*. At first sight it seems like a valentine presented to America, a celebration of the one revolution that succeeded while all others failed. Not having to face acute misery the American revolutionists did not have to confront the social question. Unlike the Jacobins they were not driven to the politics of pity, which became those of the terror. Moreover, the Founding Fathers following Montesquieu knew power and freedom to be inseparable. The French, faithful to Rousseau, moved from royal to popular absolutism in pursuit of an unfettered general will. Finally authority widely dispersed allowed the Americans to build a lasting constitution, rather than to briefly endure one imposed upon them from above. In spite of all this praise, the end of the book shows a patriotism that was not merely a refugee's gratitude. To complain of unceasing declension is the deepest impulse of American patriotism, and Miss Arendt evidently shared it. Revolutionary success induced moral and intellectual torpor, and an indifference to political participation, which had been the very source of the original achievement. With Tocqueville Miss Arendt saw voluntary associations and the political assertions of minorities as the best hope and greatest strength of American public virtue. Without these bulwarks against delusion, lying and deception, the problem-solvers who infest our government will succeed in creating a counter-reality in which government is calculation and people are mere obstacles to be removed.

Decline and corruption were at the very center of Miss Arendt's political thought. It is a classical theme. If Hitler provided the immediate impetus, Plato and Aristotle were the formal causes of her philosophy. She never made these silly comparisons between Weimar and America, but without the former she might not have turned to politics, or made the politics of

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destruction her main concern. Political philosophy is tragic thought. Without a dramatic sense of fate and mutability no rational intelligence would turn to this hideous subject. It was both the force of reason and the contempt for illusion that moved Miss Arendt to look so carefully at political actuality. To have made what she saw coherent and intelligible to others was a great intellectual victory, for her personally, but also for the tradition of open political discourse.

Judith Shklar

Judith Shklar is professor of government at Harvard.

Black Democrats at the Tower of Babel

More than 1000 black elected officials, nearly all of them Democrats, gathered in Washington in mid-December to plan strategies for next year's presidential race. They had very little luck sorting things out. Some participants argued that the common interest lies in seeking influence within the Democratic party (which after all has been their vehicle to state and local office). Others maintained that the only useful course for 1976 is to run an independent black candidate.

Blacks probably represent about a quarter of the Democratic party's national presidential electorate; as a voting group they are the party's most consistently loyal supporters. Though turnout has steadily fallen off, over 85 percent of voting blacks have supported the Democratic ticket in the past three presidential elections. In several deep South states, blacks provided 60-80 percent of all votes for Humphrey and McGovern. At state and local levels, black voters are beginning to exhibit characteristics common to the rest of the electorate, for instance, a tendency toward ticket-splitting. But in presidential politics, black support has gone overwhelmingly to the Democrats, and the only relevant question is "which Democrat?"

In recent years black leaders have used the Democrats' party reforms to increase their numerical presence at conventions and to improve their strategic position within the party; there have been notable gains. George Wallace may influence the content of public policy discussions, but, as political scientist James Sundquist has noted, since 1948, whenever it has been forced to choose between the forces resisting integration and the interests of black Americans, the Democratic party has supported the blacks. Nevertheless some Democrats, not all of them black, feel that black electoral loyalty has been insufficiently rewarded, that once the nomination contest has been settled, blacks have nowhere else to go and the party's attention shifts to less predictable voting groups.

In 1972 black leaders hoped to increase their influence in the pre-nomination period by forging a common strategy. That effort was effectively preempted by Rep. Shirley Chisholm's candidacy. Chisholm's effort was underfinanced and attracted only token support from other black leaders. As a result, although there were nearly three times as many black delegates as in 1968, the black delegate caucus in Miami Beach was splintered among presidential candidates and lacked cohesion. Black leaders now seek to preclude a repeat of that occurrence.

Opinions about what ought to be done to maximize black influence in the 1976 presidential contest differ widely. Some strategies require a united front, and those are stalled, perhaps hopelessly. Others are premised on the notion that consensus is unlikely and that other events—the upcoming primaries and caucuses—will force individual black leaders to make separate choices. Among the options:

1) *Leave the Democratic party altogether.* One group represented at the Washington conference was ready to write off the conventional alternatives. The National Black Assembly, an outgrowth of the abortive 1972 efforts to forge a common black strategy, has scheduled a meeting for March in Cincinnati to choose an independent black candidate for President. It plans to run its nominee in the 25 states where large black populations are concentrated. The Black Assembly takes the view that since the Democrats are not going to nominate a black candidate in 1976, those who choose to work through the party will waste their time then take whatever they are given anyway. For now, the Black Assembly represents only a factional viewpoint, though conventional black Democrats such as State Sen. Julian Bond of Georgia and Mayor Richard Hatcher of Gary, Indiana are careful not to disavow the assembly's objectives.

2) *Back a single black candidate in the Democratic primaries.* Among those most often mentioned as candidates are Bond, Hatcher, Mayor Tom Bradley of Los Angeles, Rep. Barbara Jordan and Reps. Ronald Dellums and John Conyers. In several respects, this is, or was, the most practical alternative and an option encouraged by primary laws and party rules. Several large urban states will pick delegates in congressional district, winner-take-all primaries in 1976. Also, black populations tend to be geographically concentrated, and most primaries are shaping up as multi-candidate affairs. Thus a cohesive black vote in a crowded field would make it possible for one black candidate to sweep all the delegates, even in districts where blacks constitute less than a majority of the voting population. Add to this the delegate support that a serious national candidate might garner from blacks in the caucuses and primaries of the Southern and border states, and the net result could be a large bloc of convention votes.

For several months, Julian Bond flirted with the idea of running. Bond is attractive and articulate; he has

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solid credentials among the well-heeled in the liberal, antiwar and civil rights communities; he's better known than many of the current crop of Democratic hopefuls. Despite all that he had no real hope that he would actually end up on the Democratic ticket, but he did feel his candidacy would serve as a rallying point for blacks in a year in which George Wallace seemed determined to exploit his appeal inside the Democratic party. Last January, armed with a list of George McGovern's biggest 1972 givers and the prospect of federal matching funds, Bond tried to raise enough money to get going. By July he had only $13,500 to show for his efforts. Discouraged and in ill health, he dropped out.

Some black leaders feel it is still not too late to agree on a single black candidate in the Democratic primaries, and Bond now feels that his own withdrawal was precipitous. But filing deadlines and the difficulties of meeting the complicated qualifications for federal matching funds make it less likely every day.

3) *Forego a single black candidacy and concentrate on establishing a substantial black presence at the 1976 convention.* There are several variations on this theme. One view is that it would be a good idea to decide early and get behind one of the announced Democrats. That would provide entry to the convention. Also by choosing soon and moving solidly, blacks might actually influence the nomination. Right now, the only black leader making this argument very forcefully is Rep. John Conyers, whose choice is Fred Harris.

Others argue that blacks should support any candidate who will enable them to get elected as delegates in their home districts. The important thing is the outcome: as many black delegates at the convention as possible. One proponent of this strategy is Richard Hatcher, who believes that the 1976 primaries will not produce a first ballot nomination, and, that a unified group of black votes could be a potent force in a multi-ballot convention. "The priority item is to be there," says Hatcher. "Though I would not do so myself, I would not be upset with blacks in the South who ran as Wallace delegates as a means of getting to New York City in July."

Not everyone would go so far as Hatcher. Shirley Chisholm, who has eschewed personal involvement this year even to the point of remaining undecided about whether to field a slate of her supporters in her own Brooklyn district where it would be regarded as unbeatable, sounds a slightly different note. Part of an effective strategy to maximize black influence, she says, entails stopping Wallace, and that's an effort best begun in the South. "If you erode Wallace's strongest base right at the start," she argues, "there will be a demoralization of his movement." This is not only a strategy worth pursuing for blacks, adds Chisholm, but one for the white, liberal presidential aspirants as well. "If the basic premise is to do everything possible to stop Wallace, then every one of the other candidates should get out and let Jimmy Carter go in and build up some momentum."

There is no black consensus on Carter as a regional antidote to Wallace. Some black officials regard it as a no-win strategy. Wallace's appeal, they argue, is by no means confined to the South, and Carter's four-year record as governor does not merit unquestioning black support. "How ironic it would be," says one participant at the Washington meeting, "to see this man bartering for the vice-presidency with the delegates he won with the support of black voters who thought they were stopping Wallace."

4) *Black favorite sons.* Finally, there is some hope that black leaders, especially those from the Congress and others with strong local bases, will assemble and back delegate slates in their home districts. Rep. Louis Stokes of Cleveland, Rep. William Clay of St. Louis, and Washington, DC's non-voting House Delegate, Walter Fauntroy, followed a similar, modified favorite-son strategy in 1972, and ultimately threw their votes to George McGovern two weeks before the convention.

Each of these plans is based on the notion that the black disunity prevailing at the 1972 convention can be avoided in 1976. So far black leaders have settled on no strategy, nor do they seem close to one. There have been virtually no presidential endorsements by major black leaders and without some concerted movement soon, rank-and-file disunity in the primaries and caucuses is all but assured. In the meantime each announced Democratic candidate is making his own effort to appeal to traditional black Democratic voting groups. In Mississippi, Sargent Shriver is being helped by Loyalist party chairman Aaron Henry. Bayh and Jackson have each hired black coordinators. Carter has help from Rep. Andrew Young in Florida, though Young's aides stress that their congressman thinks two or three of the active candidates are good, naming Udall and Shriver in addition to Carter. When asked which of the Democratic aspirants could hope to gain strong black support, black officeholders consistently answer, "Kennedy first, then Humphrey." "If Humphrey gets in," says Shirley Chisholm, "the ball game is over."

When their interests are directly at stake, blacks have demonstrated themselves to be the most cohesive voting bloc in American politics—not just in state and local contests, but at the presidential level as well. The failure of black political leaders to agree on a common 1976 strategy does not derive from their inability to identify black interests in a recessionary economy. The absence of a consensus is rooted in a clash of ambitions and a conflict among many competing private agendas. Facing ambiguity—and the portents for the Democratic party are at best ambiguous—everyone is inclined to saddle up his own mount.

Ken Bode

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Terrorism: A Debate

I Michael Walzer

The November 22 issue of *The New Republic* carried two articles on terrorism, by Roger Morris and J. Bowyer Bell, which in some measure responded to my piece, "The New Terrorists" (*TNR*, August 30, 1975). Morris and Bell reflect a widespread attitude (expressed also in many of the letters I have received) that seems to me more frightening than terrorism itself. It might best be described as a loss of moral confidence. In Morris' case, the loss is reflected as much in the style as in the substance of his essay.

He starts by accepting the distinction I suggested between "the calculated limited murder of political personalities that began in the 19th century" and contemporary terrorism with its random killing. Then he tries to explain the shift from the one to the other. "In some degree, at least, we may be watching a violent reaction to the failure of mass democracy no less rationalized than the attack on individuals in an age of aristocratic or colonial government." An enigmatic sentence: of course, terrorism is *rationalized* in terms of an antidemocratic ideology; every political view is rationalized in some terms or other. The question that has to be faced takes a different form: *is it rational*? Mr. Morris wants to suggest that it is, but he does not want to say so. And for good reason. He goes on: "For the revolutionaries of the 1970s, the perceived hypocrisy and betrayal of the American system might easily be seen as a common responsibility, every citizen an accomplice in the status quo . . ." Note again the indirect phrasing: *might easily be seen*. Squinting, one can see almost anything, but is it there? Does that common responsibility actually exist? Imagine that during the Vietnam war, American terrorists had placed bombs in restaurants and bars, bus stations, supermarkets and schools. Would the people they killed—all of them?—any of them—have been "responsible" for the war? Morris knows the answer, but he does not give it.

He also knows more than he says about the effectiveness of terrorism. We can't go on pretending, he argues, that terrorist violence is bound to be ineffective.

> *Vicious and wanton as it has been, PLO terrorism is unquestionably a factor in the Middle East . . . Terror was an influence in Vietnam, both in the atrophy of the Saigon government and in provoking US escalations . . . It has altered the politics of Northern Ireland beyond return, and may lead there, for better or worse, to a partition that no other means could have produced.*

Now, it's never been claimed that terrorism has no effects; dead bodies are its first and most lasting effects, but there are no doubt other effects as well. What we need to know is whether terrorism has or can have the effects the terrorists claim to be seeking, and whether it has or can have effects that liberals and Socialists might conceivably endorse. Let's look at Morris' cases. (I will leave aside the Vietnamese case, since he is presumably referring to the Vietcong assassination campaign of the early 1960s, which was aimed at government officials and—whatever one wants to say about it—was not an example of random killing.) The PLO claims to have as its goal the creation of a democratic secular state in which Jews and Arabs might live in peace. Clearly, however, the indiscriminate murder of Jews does not serve that end. What end does it serve? It might one day lead, along with many other factors, to the creation of a Palestinian state, but a state of a particular sort, one dominated by the terrorists. If one aimed at any other sort of Palestinian state, one might imagine other ways of getting it. Similarly with the "provisional" wing of the IRA: its stated end is a unified and democratic Ireland, and that is the one goal that its means will never produce. A new partition, perhaps; but then we would want to know—for better or for worse?

Because he does not raise these questions, Morris manages to leave the reader with a vague sense that terrorism works. It may indeed work for the terrorists, but not for the rest of us. That has to be said, and firmly, or else the "repugnance" that Morris professes to feel and undoubtedly does feel in the face of terrorism will seem merely pious. One inevitably suspects that political acceptance hides just behind the outrage. I don't think it does, in this case; what is hidden is a great anxiety about expressing outrage.

The reasons for the anxiety are made clear in the last paragraph of Mr. Bell's more extended and informative article. Bell is worrying about the possibility of a repressive response to terrorism:

> *Outraged indignation should fit uncomfortably on those who gave us the holocaust or the fire-bombing of Hamburg or a century of large-scale brutality, but it does not. More to the point, such indignation is partisan. The wave of protest over the Spanish executions indicates that some gunmen are more acceptable than others, especially if they have an odious enemy in a distant country . . . One man's terrorist is another's patriot. From the seat of power in Rome or London or Madrid the gunmen are wicked, evil men who must be destroyed by any means, by all means. And therein lies the danger.*

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This is an incredibly confused passage, but one that makes, again, a typical argument. Let's unravel it slowly, beginning with the Spanish executions. The executed men were accused of killing government officials, not of random murder. They had actually taken some care not to injure innocent bystanders, and one might therefore prefer them to, say, the IRA or the PLO without reference to the cause they served. In any case many of us who protested the executions did so because the so-called "terrorists" had not received anything resembling a fair trial—not because we believe that assassins, if their cause is just, can never be punished. We would protest executions of that sort wherever they took place. Finally the men and women who occupy "seats of power" in the democracies of Western Europe are not responsible for the holocaust or the fire-bombing of Hamburg. In what possible sense is it hypocritical for them to feel indignant if their countrymen are murdered? Bell's argument here is like the one we heard all through the Watergate crisis: everybody does it, why blame Nixon? Everybody does it, why be outraged at the IRA? In Watergate, the argument didn't work, since we all knew that Nixon was a "wicked man." But neither Morris nor Bell is willing to say the same about the "gunmen from the ditch."

And what about the rest of us? The implication of Bell's last paragraph, and of the way of thinking that I have taken him to represent, is that we should feel a kind of general guilt about state violence in the 20th century and therefore hold back from attacking political terrorism. In fact, however, the same principles apply to the two sorts of brutality, and ought to be applied in every case. It is bizarre to suggest that because of the holocaust (or because of Hiroshima and Vietnam) the murder of innocent people in Belfast, London and Jerusalem should go uncondemned and unpunished. That is not moral delicacy; it is simply a failure of nerve.

II J. Bowyer Bell

First one of the burdens of my article was that there is not nor is there likely to be a generally accepted definition of "terrorism" because even the killing of innocent people has been rationalized by states and revolutionaries on a variety of grounds. A great many who protested the Spanish executions, as Mr. Walzer is aware, were not unduly concerned about the slovenliness of Spanish judicial practice but rather about the nature of the government in Madrid. Many in Europe, indeed, are deeply sympathetic with the aims of the Basques and hardly outraged by their methods; what more effective means to oppose Spanish tyranny or establish a Basque republic might be suggested. In any case that the Basque gunmen are preferable because they are more discriminating than the PLO and more efficient than the Provisional IRA indicates a spectrum of indignation—and I did rather like "accused of killing government officials," a distinction undoubtedly lost on the widows of policemen shot down in ambush. However as long as Walzer intends to be outraged at every murder of innocent people—however defined—he is on sound logical and moral ground. The second point was that such indignation however logically and morally justified whether in Madrid or Jerusalem is not a sound foundation for an effective, rational response. Summary executions in Spain and bombing raids on Palestinian refugee camps arising from such understandable indignation appear from a distance to be counterproductive.

Walzer, using the cases of the PLO and IRA, suggests that it does not and cannot have the effect desired by the terrorists. Both cases are moot, but the aspirations of the Irgun Zvai Leumi and the Stern Gang in the Palestine Mandate and the IRA in Ireland were in part achieved by quite familiar activities. There is now a 26-county Ireland and an Israel. Certainly revolutionaries in Aden and Algeria and Angola feel that their armed struggles—the imperialists' campaigns of terror—created facts, changed history. Few would agree now (and none when they began) that recourse to violence was unnecessary. There are those who argue a terrorist act can be a means of saving life; an assassin kills but one man—a Count Bernadotte—and changes history. Even if he doesn't change history, still only a single life has been lost, not a battalion. And often nonviolence engenders far more violence than the assassin. In Northern Ireland in 1969, a civil rights demonstration began the slow but most assuredly not inevitable descent into chaos. Anyway like most other acts of man, "terrorism" works much as intended sometimes and sometimes it doesn't. And, as Walzer notes, in every case the only certainty is dead bodies. As long as some few men see no options but liberty or death, such bodies will be with us. I would, for the rebels I support, opt for efficiency, discrimination and rationality and, for the governments threatened by those I abhor, restraint, moderation and patience. Thus, it is to be hoped, assuring fewer dead and greater liberty.

III Roger Morris

Mr. Walzer is quite right that my description of terrorist perceptions was carefully worded. I was trying for a moment to draw beyond the usual self-protective smugness on this subject, to show how the "rationality" of terrorism "might" look to its adherents. That Walzer saw in that fugitive effort some "moral" flaw (with "political acceptance" of murder lurking close in the

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margins) is an alarming illustration of the problems we face in coming to grips with the new terror.

The question of general and individual citizen responsibility for state policy in mass democracy is one of the most elusive in modern politics. Walzer's certainty about the "innocence" of random parts of the populace does not make the matter less arguable—nor, I'm afraid, does it save any of us from those who believe the opposite.

Would indiscriminate terrorism in the US during the Vietnam war have struck at the "responsible," with any palpable effect therefore on the course of the war? We just cannot dismiss that question. As Nixon understood so well, the ground war had to end eventually because the draft of the middle class and the American coffins coming home were too close, too costly a price to pay. We went on with relative impunity, however, savaging a people with computers from 35,000 feet, and we reelected by the greatest margin in history the man who ordered it. Did we continue that detached genocide because it cost *us* so little? Who *was* responsible? Nixon? Kissinger? The tens of thousands whose telegrams poured in to reinforce the worst instincts in an otherwise vacillating President after his speeches about "silent majorities" and "pitiful helpless giants"? Can we so easily believe that the carnage would not have ended years sooner had Americans suffered directly some bloody consequences of their growing indifference to the war after 1970? In these terms, are "responsibility" and the "rationality" of terror as simple as Walzer suggests?

And if Vietnam and our own psychology are too painful to look at as susceptible to terrorist retribution, are we similarly ready to banish this unwieldy problem of "common responsibility" from the millions who voted for and tolerated Hitler or who cooperated in Stalin's terror. Evil is indeed banal. But I suppose it depends on one's vantage point to see the ambiguity in which that leaves so much that Walzer seems to take for granted.

As for the effectiveness of terror, again I'm not so comfortably sure, as Walzer obviously wants to be, that it doesn't work. "Clearly," he says, the murder of Jews can't attain the PLO goal. Aside from the foolish presumption of being "clear" about any outcome in the Middle East, there's a lot of evidence, from the halls of the UN to the Israeli cabinet, that that's precisely what will happen. And the new Palestinian state will be defying every precedent of modern history (including Israel and the post-independence demise of the Irgun) if its governance doesn't very soon pass from the soldiers to the stolid bureaucrats waiting in Beirut and Amman.

Then there's Walzer's truncated Catholic Northern Ireland pointlessly cut adrift by the IRA bombers. Do we really believe that entity wouldn't be joined to the republic, with Whitehall's blessing as well as the good riddance of the Protestant successor state? Perhaps not. But that's easily as plausible as anything else, and that too would be a realization of terrorist goals. Let me correct here what Walzer deplores in my article as "a vague sense" that terrorism can be successful: I think we are tragically myopic if we deny for a moment that it does and will work.

But what about "the rest of us," Walzer asks with that same revealing phrase twice in a thousand words. The "rest of us" indeed. Though I don't know Walzer, I have a sinking suspicion that our disagreement here belongs too much to the sociology of knowledge. "It would not be difficult to imagine," he says for example, "other ways" than terrorism to realize a Palestinian state. The awful reality, of course, is that it has been not only difficult but impossible for many Palestinians in their wretched camps to "imagine" those "other ways," just as Walzer in his position finds it so impossible to entertain the conceivable rationality of terrorism. He worries about my anxiety to express outrage at terrorism; I wonder about his capacity to understand the outrage that leads to terrorism. I wonder too how durable his sure and detached moralism would remain after Israeli Phantoms napalmed *his* family, after the British army occupying Cambridge threw *him* in a concentration camp for breaking a curfew.

He reassures us that the "same principles" apply, or "ought" to apply, to state violence as to terrorism. But as Walzer the distinguished scholar knows very well, there is that fatal difference in reality between the "is" and the "ought." We hunt and judge and sometimes execute our terrorists. When does the trial begin for the Israeli pilots who killed 74 people the other day in Lebanon, the hundreds of American officials who planned and carried out a criminal war in Indochina, the surviving participants in the Hiroshima decision, the Bangladesh and Burundi genocide, the Chilean massacres? Surely we have the elemental honesty to admit to ourselves that morality, justice and retribution are still largely a matter of who's in the saddle. There is, to be sure, a difference between Nixon and the "gunman from the ditch": Nixon was pensioned off not for his complicity in incalculable human suffering, but only for the most flagrant flouting of the mores of the ruling elite.

As for a "loss of moral confidence," I should think that's the affliction of those who cannot confront terrorism in its own rationality, or honestly admit, as I suggested in my article, the similarities as well as the differences between terrorism and our own day-to-day lives. The last time I was accused of a "failure of nerve" was in an argument with a Pentagon general over the invasion of Cambodia. It's one thing for know-nothings to shun sensibility to oppression, to refuse to acknowledge that many people have no "other way," to flee from moral complexity and self-knowledge to some shrinking island of "outrage." When people of Michael Walzer's gifts do it, we are in deeper trouble than I imagined.

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IV Michael Walzer

The argument that I had to torture out of Roger Morris' first article he now makes openly and explicitly, and it is clear that I disagree far more with him than with Mr. Bell. This is what his position comes to: we are all participants in the crimes of Vietnam; we have no right, then, to condemn contemporary terrorism, but must seek instead to "understand" the desperation and outrage from which it springs. In the name of sensitivity, complexity and guilt—guilt above all, for this is a doctrine for masochists—we must accept terror as the legitimate weapon of the weak.

The major difficulty with this argument, aside from its sackcloth and ashes tone, is that terrorism, the random murder of innocent people, is a *new* weapon while outrage and desperation are very old. For many years, leftist and nationalist groups rejected terror, and even today the question whether or not to kill the innocent is an issue in every radical group (except in the PLO where, so far as the public record shows, no opposition to terror on a principled basis has ever arisen). The issue is angrily debated, on both moral and political grounds. Morris' position gives us no access to these debates. He is endlessly eager to understand the terrorists, but he does not even see their opponents. I don't mean the "ruling elites," but the men and women inside the Algerian FLN and the IRA and other similar groups who try to say no to murder. And he simply ignores the distinction that revolutionary militants once made between aiming at political targets and the deliberate premeditated killings of innocents.

There are two traditional leftist arguments against terrorism. The first is simple and direct: we don't kill innocent people; that's what *they* do, the forces of privilege and reaction; indeed, that's one of the ways we know who *they* are. The second argument is more political in character, though it also has moral implications: terrorism is not and cannot be a mass activity; it is the work of a small band of militants; inevitably it enhances the self-regard and power of an elite and undercuts the possibility of democratic government. The alternative path is mass organization, strikes, demonstrations, guerrilla war. These methods "work" when there is broad popular support, and don't work when there isn't—and surely that's what one wants to say of leftist politics generally, that it ought to succeed only insofar as it can mobilize masses of people.

Roger Morris is "sensitive" to oppression, but he has no interest in the politics of the oppressed. He is ready with an *a priori* endorsement of anything they do; he holds them to no standards, and that is finally to patronize them. They don't require that kind of understanding. They need to be supported when they act rightly, and to be criticized when they act wrongly—exactly as with the rest of us. It was indeed no loss of nerve to attack the Pentagon at the time of the Cambodian invasion; then Morris was insisting that there are moral limits on the use of power. But it is a loss of nerve to endorse terror: now Morris is refusing to apply those same limits, or for that matter any limits at all. To assuage his own guilt, he is willing to accept murder.

The Blackmun Opinion

Gagging the Press

by Nathan Lewin

If you believe what you read, you probably think that the Supreme Court will soon be confronted by the ultimate clash of constitutional absolutes. The Sixth Amendment to the Constitution guarantees to anyone charged in a criminal prosecution a trial "by an impartial jury." The First Amendment secures "freedom of speech, or of the press" against governmental infringement. What happens if the press, in seeking to report the news, jeopardizes a criminal defendant's chances of being tried by an unprejudiced jury? Should "Free Press" win out over "Fair Trial" because the public's right to know is more important than punctilious fairness in criminal prosecutions? Or is the principle that no one is to be criminally punished without a demonstrably fair trial so much a part of our national morality that it may not be sacrificed at any cost—even if preserving it means chipping away at the constitutional license enjoyed by the press?

This apparent collision of constitutional rights is presented in a publicized case that relates to a mass

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murder committed in mid-October in Sutherland, Nebraska. An elderly couple, their son and their three grandchildren were found dead of gunshot wounds on a Saturday. Some were also sexually assaulted. On the following day a suspect named Erwin Simants was arrested and charged by the local prosecutor with the six murders. Monday's community papers—*The North Platte Telegraph* and *The Lincoln Star*—featured articles on the sensational case. The stories included tidbits of information that, as later described by the Nebraska Supreme Court, "tended clearly to connect the accused with the slayings." Subsequent court orders have blocked any specific description of this "information," but it appears to concern a confession taken from Simants. A later court order referred, as well, to statements he had made to relatives and a note he had written. The two local television channels, various radio stations, as well as *The Denver Post*, which is circulated in western Nebraska, gave the story broad coverage on both Monday and Tuesday.

On Tuesday evening, the prosecutor asked the judge of the local county court for a "restrictive order setting forth the matters that may or may not be publicly reported or disclosed to the public with reference to" the case. A public hearing—at which the county judge was to decide whether there was enough evidence to keep Simants in custody—had been scheduled for Wednesday morning, and it was certain that evidence presented at that hearing by the prosecutor would tend to show that Simants was guilty. The prosecutor's request for a "restrictive order" explicitly covered evidence that he would present at the public hearing.

The county judge convened an unusual court session Monday evening, during which Simants' lawyer expressed agreement with the prosecutor's request. In fact, he went even further than the prosecutor, asking that the entire preliminary hearing be held in private. Press representatives also appeared with an attorney and argued that there should be no restrictions. Early on Wednesday morning the county judge issued an order in which he said that "the power and persuasiveness of the news media are of such significance that courts must at times take strong actions to insure that both parties in a criminal law suit start equally." He concluded that "there is a reasonable likelihood of prejudicial news which would make difficult, if not impossible, the impaneling of an impartial jury" if Simants were tried. As a result the county judge ordered everyone in sight—lawyers, court officers, law enforcement personnel, the defendant, any witnesses and "any other person present in Court"—not to disclose any evidence presented at the hearing. His order also prohibited anyone, including "witnesses or news media," from disseminating "any information concerning this matter" except the few facts that are characterized as "appropriate for disclosure" under the voluntary "Nebraska Bar-Press Guidelines" announced by a committee of lawyers and media representatives in June 1970. These "guidelines" allow reporting of only limited objective facts describing a suspect, the victims, the offense, the arrest and bail terms. Evidence that might be presented at trial is classified as "not appropriate for disclosure."

After entering the order, the judge held the preliminary hearing in public—but with all participants bound to silence. He decided that the evidence was enough to keep Simants in custody, and to transfer him to the next highest rung on Nebraska's judicial ladder—the District Court of Lincoln County. On the following day local media representatives, as well as the Associated Press and United Press International, asked the judge of that court to lift the county judge's restrictions on the grounds that they violated the constitutional guarantees of the First Amendment. The district court held another hearing and found "a clear and present danger that pre-trial publicity could infringe upon the defendant's right to a fair trial." The district judge replaced the county judge's order with one of his own. It, too, directed that all "pre-trial publicity" (defined as news reports preceding the swearing of a jury in Simants' criminal trial) "shall be in accordance with" the Nebraska Bar-Press Guidelines—but it did not specify to whom the order was to apply.

With the confidential record of the preliminary hearing before him, the district judge was also able to specify certain subjects that could not be discussed. In separate paragraphs of his order he directed that there be no public mention of the existence or contents of Simants' confession, of the other incriminatory statements he had made and the note he had left, of the "tests or investigations" performed by a doctor who was probably the county coroner, or of the identity of any victims who had been sexually assaulted and the details of such assaults. Peculiar lines were drawn as to the last two subjects: the "non-technical aspects" of the doctor's testimony could be reported "within the guidelines and at the careful discretion of the press." The same caution was expressed as to "general physical facts found at the scene of the crime"—even though the gruesome details of the sexual assaults were specifically forbidden.

The order concluded with a ban on the reporting of the "exact nature of the limitations of publicity." In other words, as the judge explained, the press could report that an order limiting pre-trial publicity had been entered, but it could not refer specifically to the confessions, incriminatory statements, witnesses or type of evidence that was under the ban. What was obviously of concern to the judge was that the public would learn indirectly, through reports that no confession or incriminatory statement or note could be disclosed, that Simants had, in fact, confessed, made incriminatory statements and written a damaging note. It followed logically that the details of the order had to be embargoed along with the specific information

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subject to the decree.

The case moved quickly to the Nebraska Supreme Court, which was asked by the press representatives three days later to lift the restriction on constitutional grounds. By the first of November the press' application had been filed, but the clerk of the court replied that no hearing could be held before December 1. So the lawyers filed a request shortly before midnight on November 5 with Justice Harry Blackmun of the Supreme Court of the United States. Blackmun is assigned to the Eighth Federal Judicial Circuit (which includes Nebraska), and unusual interim requests of this kind—seeking to delay the implementation of a court order while appeals judges decide whether it is valid—are ordinarily decided first by the particular Supreme Court justice in whose circuit the question arises.

Blackmun's first response was to nudge the Nebraska Supreme Court. On November 13, he issued an opinion in which he said that he would take no action on the press' application if the Nebraska court decided on the validity of the order "forthwith and without delay." His opinion warned that the press' position could not be ignored because the issue presented had "profound constitutional implications, demanding immediate resolution."

By one week later the Nebraska Supreme Court had done nothing beyond announcing that it would hear the case on November 25. The press returned to Justice Blackmun, who then issued a second opinion. He concluded that action was needed because "the suppressed information grows older" and "other events crowd upon it." With "each passing day," he said, there is "a separate and cognizable infringement of the First Amendment."

The Blackmun order erased much of what the Nebraska district judge had done, but it left enough to catapult the case to the national notoriety it began receiving with a front-page story in *The New York Times*. The story carried the headline "Blackmun Backs a Curb on Press in Nebraska Case." In fact much more was removed from the curb on the press than was left, but what remained is enough to present a serious—if not cataclysmic—constitutional issue.

Justice Blackmun made short shrift of the wholesale incorporation of the Nebraska Bar-Press Guidelines. They were, he said, far too vague and indefinite to be the basis of a court order that might carry with it imprisonment for contempt. He also set aside the restrictions on reporting details of the crimes, the identities of the victims or the testimony of the pathologist at the preliminary hearing. This information, he said, might excite or inflame those who read it, but it did not implicate any particular suspect.

The rub was that he left in force the part of the Nebraska district judge's order that related to Simants' confession and other incriminatory statements. He flatly ruled that "facts that strongly implicate an accused may be restrained from publication by the media prior to his trial." The ultimate question was whether the publication of particular facts would "irreparably impair the ability of those exposed to them to reach an independent and impartial judgment as to guilt." Justice Blackmun also reasoned that if word got around that a confession could not be disclosed, it would be the same as disclosure of the existence of a confession, and so he let stand the limitation on reporting of the restrictive order's terms.

The Nebraska Supreme Court finally got to the case after Justice Blackmun had ruled, and it followed his lead. It decided that publication could be restricted only as to Simants' confessions and incriminatory statements or "other information strongly implicative of the accused as the perpetrator of the slayings." It also reached another conclusion that makes possible the publication in *The New Republic* of the detail presented in this article. It decided that the only parties over whom the district court had jurisdiction were the newspapers and media representatives who voluntarily intervened in the criminal case. Anyone else, the court said, "could have ignored the order" because neither the county court nor the district court had any "general power in any kind of case to enjoin or restrain 'everybody.'"

With this final word from the highest court of Nebraska, the press returned to the full Supreme Court with a request that the case be expedited (so that the legality of the ban can be ruled on before Simants' trial, scheduled for January) and that the order, even as modified, be lifted in the interim. Justices Brennan, Stewart and Marshall would have granted both requests, and Justice White would have provided interim modification and permitted the press freely to report only what had happened during the public preliminary hearing. But the four most recent Court appointees rejected both parts of the application. So the case is now set for argument in February, may not be decided until June, and appears to hinge on the vote of the soon-to-be Justice John Paul Stevens.

It is hard, at first blush, to get too excited over the press' right to print an accused's confession or to report that he has left incriminatory notes or told his sister that he has committed a crime. How badly will society suffer if the public's right to know is deferred mewhat, so that these details appear in *The North Platte*

Notice to Our Readers

Due to heavy increases in the costs of printing, paper, postage and salaries, the subscription price of *The New Republic* will rise on January 1, 1976 to $21 per year, or about 44 cents per issue. The regular subscription price is a savings of $7.80 over the newsstand price, which will be 60 cents per copy.

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Telegraph or *The Lincoln Star* in January, when Simants is tried, rather than in October, when he is arrested? After the first wave of outrage over Justice Blackmun's willingness to permit a "gag order," some sober columnists who otherwise support broad applications of the constitutional protection afforded their calling have chided the press for its exaggerated response to the Nebraska case.

The real question of principle, however, is not whether newspapers should print confessions or otherwise inflame potential jurors. With occasional exceptions, the press has learned the lesson of the famous case of Dr. Sam Sheppard, whose trial and conviction were set aside by the Supreme Court almost 10 years after he was jailed because of "virulent publicity." The wholesale dissemination of both accurate and false details regarding Lee Harvey Oswald's guilt during the three frenzied days in Dallas that followed the assassination of President Kennedy produced discussion by journalists and resolution to exercise self-discipline in such matters in order to protect the rights of defendants to fair trials. The "guidelines" that the Nebraska courts tried to incorporate into their orders are the fruit of studies by bar associations, judges' groups and other interested parties—virtually all of whom have agreed that responsible journalism requires consideration of the effects of news stories on potential jurors and others involved in the judicial process.

The issue that exercises constitutional lawyers and should be the principal concern of press advocates is not whether this kind of information should be printed, but whether courts should have the power to order the press not to print it. Almost five years ago, the same question of judicial authority arose with more internationally celebrated participants. It was *The New York Times,* not *The North Platte Telegraph,* that wanted to publish. The secret messages of Robert McNamara, Walt Rostow and Lyndon Johnson were subjects rather than notes left by Erwin Simants. And then Attorney General John Mitchell, rather than the prosecutor of Lincoln County, Nebraska, sought a court order to prevent publication. The interest cited was national security, not one individual's fair trial. To some justices on the Supreme Court, the collision between First Amendment interests and other compelling government concerns was as direct there as in the Nebraska gag case. Chief Justice Burger said, at the time of the *Pentagon Papers* ruling, that whether or not the *Times* and *The Washington Post* could print the Papers presented a conflict of "imperatives"—that of "a free and unfettered press" against "the effective functioning of a complex modern government and specifically the effective exercise of certain constitutional powers of the Executive."

Among the foremost rights of a "free and unfettered press" is the right not to be told what may and what may not be printed. Writing for the Court in the Florida "right-to-reply" case decided in 1974, Chief Justice Burger himself approved that general proposition, even to the extent of quoting from an opinion by Justice William Douglas the observation that "no governmental agency—local, state, or federal—can tell a newspaper in advance what it can print and what it cannot."

The constitutional rule against "prior restraint" is, in many respects, puzzling. It rests on a difference between punishment or remedy *after* publication for what the press has done and a court order issued *before* publication. Three justices in the *Pentagon Papers* case indicated, for example, that they might find criminal punishment of the *Times* and its personnel constitutionally acceptable, but they could not, on the facts of the case before them, approve an order entered before publication preventing the *Times* from printing. But it takes little legal sophistication to recognize that a court order preventing publication is enforced the same way as is a criminal law—by punishing those who disobey. Why, then, is there a constitutional difference between a fine or jail sentence afterwards and an order, enforceable by fine or jail sentence afterwards, which has the same objective?

There is, to be sure, a historical explanation. Censorship, in its most extreme form, prevents the printing of anything unless and until it has the official approval of the censor. That form of prior restraint was the subject of John Milton's classic *Areopagitica.* It endured in England to 1695, and it is most clearly what the draftsmen of the First Amendment had in mind. Even Blackstone's *Commentaries on the Laws of England* recognized that the "liberty of the press . . . consists in laying no *previous* restraints upon publications. . . ." But when there is no general censorship, it is hard to see much difference—other than some procedures surrounding the trial which precedes punishment—between a "prior restraint" and an after-the-fact restraint.

Nor is the rule against prior restraints on the press total and unexceptional. Former CIA agent Victor Marchetti discovered that a federal court was ready to enjoin him from disclosing confidential information in his book on the Agency notwithstanding the doctrine of prior restraint. And only two of the Supreme Court's justices—Black and Douglas, who had absolutist positions on the First Amendment—were willing to say in the *Pentagon Papers* case that, regardless of the harm resulting from publication, no court injunction could ever issue. Of the remainder of the Court, Justice Brennan gave the broadest reading to the First Amendment, and even he indicated a readiness to enjoin if publication would "inevitably, directly and immediately cause the occurrence of an event kindred to imperiling the safety of a transport already at sea." Justice Stewart announced a more modest standard; he might have approved an injunction had he been satisfied that publication "will surely result in direct,

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immediate and irreparable damage to our Nation or its people."

Although the *Pentagon Papers* case was trumpeted as a collision between national security and free press, the deciding votes on the Court found, from their own examination, that the danger to national security was overstated and the conflict was not, in that sense, a real one. In the pretrial publicity area, one suspects, the same approach may lead to the same result. How "clear and present" is the danger to Simants' fair trial if the press is free to report what it chooses? There are many procedural steps which courts may take to promote fair trials even where publicity has been heavy. Continuances, changes of the site of the trial, careful examination of potential jurors and even waiver of jury trial are some of the remedies. Moreover courts are far too ready to assume that jurors read crime stories with the same close attention and memory for relevant detail that a trial lawyer might bring to such an account. To the ordinary reader the damage to Erwin Simants has only been increased by a miniscule degree if the existence of a confession is disclosed in a story describing the gruesome details of the crime with which he has been charged and the circumstances of his arrest on the following day.

One wonders, finally, how the existence of "inculpative" information such as a confession came to the attention of the press *before* Simants' public preliminary hearing. Those who participate in the criminal justice process are, after all, the sources of any details printed by the press, and it seems more just—as well as more constitutional—to gag the participants than to silence those whose job it is to watch, listen and report. It is temptingly easy to prevent prejudicial publicity by restricting the media; a prosecutor's release of a confession cannot influence a jury if no reporter dare print it. But prosecutors and law enforcement personnel have their own constitutional duties to insure the fairness of trials, and a court may and should discipline them for any violation of those obligations. Defense lawyers, too, are limited by rules of the bar to which they belong, most of which now prohibit inflammatory public statements. When courts go beyond these participants, as they have increasingly done in recent months, and gag witnesses or even the defendant himself, serious constitutional questions arise. And when they impose the restraint directly on the media—often a general public admonition directed to no one actually before the court—they go well beyond the remedy that the disease requires.

Disenchantment and Reform

Politics Against Government

by Paul Starr

Few sentiments seem more characteristic of political life today than a widespread irritation with the works and scale of government. That irritation, abundantly evident in popular feeling and political rhetoric, and even in serious thought and research on the efficacy of government programs, has now been deepened by financial stringency. A peculiar conjunction of mood and necessity, of political culture and political economy, has encouraged the conviction among many in public life that there is no better politics today than a politics against government.

Unlike the antagonism toward "the system" that had its expression during the '60s, the current disaffection seems to be shared by both the left and the right, and by people with no clear political allegiance at all. The hostility is directed not at specific policies and decisions, but at the bureaucracies themselves. However, while the left and right seem equally dissatisfied with government, they tend to have different parts of it in mind. On one side the characteristic targets are the CIA and FBI; on the other, HEW and the regulatory agencies. The criticism is nearly the same: the bureaucracies are out of control, they're obedient only to their own internal urges. One voice warns that government is destructive of private interests; the other says it jeopardizes the interests of privacy. The left wants the government out of spying, infiltration, political machinations at home and abroad. The right

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wants it out of regulating business, busing children, redistributing income. Each has drawn its own lessons from the '60s, and now urges a particular kind of scaling down and pulling back. To this general disfavor of government, the fiscal crisis gives a further emphasis: retrenchment has become the prototypical political act.

Politics seems to be practiced today mainly in the negative mode. We debate which part of our past to find in error, what programs to set aside, whose interests to sacrifice in budgetary cutbacks. There is not a single major initiative on the horizon. All this lends a unique malaise to a political life that is both restless and motionless, hyperactive and sedentary, disenchanted and impassive.

How, in such a climate, can we find the capacity to deal forcefully with national and social needs? Is it possible to turn this irritation with government to good use? Are there alternatives, which can provide jobs and services to those who do poorly in a market economy, without at the same time expanding government bureaucracies and increasing the centralization of power?

First we must not take the current national temper, or distemper, at face value, disregarding its contradictions. The general sentiments of the country are thoroughly at odds with its specific desires. The more diffuse the reference to government, the greater the hostility. But whenever particular programs are threatened, voices cry out in anger and distress, and sympathy is stirred for those affected. The public, considered in its parts, simply does not have the same will as the public, considered as a whole. (Perhaps this is why we can elect an overwhelmingly Democratic Congress, favorable to particular programs, but at the same time send to Washington a conservative Republican administration generally suspicious of them.) In its various fragments, the society demands action here and approves of a new program there, but detached from particulars, it does not like the total of what it gets.

There is also a gap between expressed sentiments and objective conduct. Hostility to government, however widely felt, seems to have had little material impact. It has been under a Republican administration, after all, that the federal budget has gone from $220-to-$300 billion, and now is headed toward $400 billion. A Midwestern conservative President is now running deficits of 70 and 80 billion annually, which makes the mayors of New York seem parsimonious by comparison. Is the internal dynamic of expansion stronger than any President's will? Do the demands of the economy simply allow no choice? How much of our politics, let alone our budget, is discretionary?

The protests of concern about government may be signs, not of a determination to stop its growth, but of a faltering resistance to it. One reads that the protests against the "trusts" at the turn of the century were signs not of a determined opposition to growing corporate power, but of an uneasy accommodation. The rhetoric of hostility toward the rise of impersonal institutions may, in both instances, be no more than the consolation of a dying individualism. Political discourse often consists of imaginary solutions that disguise and invert the actual direction of historical change. So it may be today.

There is also a failure to recognize where government bureaucracy originates. It is hard to take seriously the frequent exclamations of dismay from private industry over the growth of the federal bureaucratic and regulatory structure. Much of the complexity and administrative burden is the result of attempts in Congress and the executive branch to placate private interests, in all their petty diversity. Responsibility for the intricacy and meddlesomeness of bureaucratic decisions rests, not so much with the agencies that carry them out, as with the private parties that succeed in getting their concerns written into the statutes and regulations. If Congress and the executive were less attentive to those interests, government could be greatly simplified and streamlined. But, were it ignored, the private sector would surely be more unhappy than ever.

The inefficiency of government is as proverbial as the meddlesomeness of its regulations, but here too one must be skeptical about assumptions. Government inefficiency is often the result, in part, of the fact that government takes on certain functions (such as services to the poor or the support of basic scientific research) because no private industry finds it profitable to perform them. The reason for their unprofitability is often related to the apparent inefficiency of the state: the tasks involve inherent difficulties and uncertainties; the products may be intangible and hard to measure or control. Frequently, through subsidies and incentives, government programs try to make these functions economically attractive to private interests, but this builds in extra costs and makes monitoring of the outcome even more difficult.

Moreover, because government services are public, we expect them to abide by standards other than efficiency. The wage structure of public employees, for example, seems to be more equal than that of the private sector, leading to losses of talent at the top and relatively greater costs at lower levels. Other considerations militate against observing strict notions of efficiency. If the mails were operated to keep costs down and make the postal service pay for itself, there would be no service to small towns, and most magazines and scholarly publications would go out of business. In many areas, government isn't efficient because nobody seriously wants it to be.

And yet, of course, the point still remains: there is inefficiency, there is cumbersomeness, there is unresponsiveness. There is good cause for disquiet because the bureaucracies are subject neither to the "discipline" of a market, nor to genuine public control. The state has

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cquired an existence of its own, over and against the est of society.

So the quarrel between politics and government is ntirely natural, and even useful. Men elected to public ffice in America are now judged in part on their apacity to control, to master, to restrain the estab- shed bureaucracies. Almost everywhere one looks oday, elected officials and government employees are ocked in struggle. The mayor or governor who can face own a threat to strike, or a strike itself, by a public- mployees union almost assures his own popularity. Congressmen now find that they are increasingly called n to serve as intermediaries between their constitu- nts and the federal bureaucracy. They have become ot merely representatives to the legislature, but mbudsmen before the executive. Even the White louse does not fully command the executive branch, ut must at times deal with it as if it were another livision of government. Nixon's janissaries correctly aw themselves as struggling to assert control over a undamentally hostile federal bureaucracy. The Ford dministration, on the other hand, seems to have made ts peace with what might be called the standing government, and this may be partly responsible for the hange in tone from the Nixon era.

But this standing government, independent of particular administrations, represents a powerful force of its own. With the proliferation of social services and tate bureaucracies, it has become not merely a self- ustaining industry, but the source of new interests hat coalesce around the benefits it disburses in ontracts, jobs, subsidies and services. Groups and lasses struggling against each other all see themselves s suffering the insensitivities and exactions of government. It becomes the object of displaced esentment—the target for groups that have lost olitical battles sometimes without having been aware of them. Government in America is sustained by a host of particular interests clamoring for satisfaction; it has ittle general support or enthusiasm. With no one in decisive control of the state, everyone feels, in one way or another, oppressed by it.

Historically there have been various responses, if not solutions, to the problem of the growth and autonomy of the state. Several continue to have some appeal, among them the Jeffersonian ideal of minimal govern- ment, the progressive ideal of professional govern- ment, the revolutionary conception of a dual party- state structure, and the decentralist model of direct and local control. For various reasons, none of these approaches has much relevance to the contemporary American situation.

The Jeffersonian ideal of minimal government had a radical content in early American society. In the colonial period, government had been an intimate participant in economic affairs, usually to the benefit of the privileged classes. At that point, to argue for less government meant arguing for less governmental action in favor of the privileged. But with the rise of corporations, the ideal of minimal government took on a different character: little state intervention meant a free hand for corporate power. The Jeffersonian ideal was already in eclipse by the time Jefferson died in 1826, and with Jackson it became clear, as Arthur Schlesinger, Jr. wrote some years ago, that Jeffersonian ends could only be accomplished through Hamiltonian means—in other words, the defense of the interests of less privileged groups had to be accomplished through an active state (less privileged including not only farmers and mechanics, but less dominant business interests as well). Since that time, liberals in America have been identified with the extension of government and conservatives with its restraint.

The progressive solution to the problem of the state, in the late 19th and early 20th centuries, was to encourage the development of professionalism. Through the civil service and city management, the progressives wanted to insulate government from politics and to instill in it the scientific spirit of efficiency. This was, in a sense, one removed from the Jeffersonian ideal—the minimization of political authority, if not the minimization of government itself. Its function, however, was to take power away from less privileged ethnic groups who gained influence through city machines. Today the ideal of neutral, technical authority has lost its hold on the imagination, and increasingly, the reforms the progressives promoted, such as the insulation of the civil service from political control, loom as some of the most stubborn obstacles to needed political change.

The revolutionary response to the problem of the state has been to strip it of final authority: a political party oversees governmental functions or directly assumes their operation. This is, in a sense, the antithesis of progressivism, in that it calls for the accentuation of politics, rather than its deemphasis. Used in some Communist and Fascist regimes, such a dual structure is clearly unimaginable in the United States, where political parties have never been more than electoral coalitions. The main objection, however, is that while lodging power in an ideological party may solve the problem of the state, it creates a new problem—the all-powerful party, which may be worse.

Decentralization has considerable appeal and much greater plausibility in the United States. Local government as Tocqueville observed, has been the school of democratic experience. On the right, one speaks of returning power to the states; on the left, of returning power to communities. Sometimes it is best to discuss these alternatives in the abstract, because when specific issues of great concern to either side are raised—say, civil liberties to the left or abortion to the right—neither really wants them left to local determination. Also, hardly anything inspires more warmth for the federal government than a good look at the way states

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and municipalities are run. But more importantly, so long as the corporate economy is organized on a national and even multinational level, it is impossible for states and communities to deal with economic and social problems on their own. Only the federal government is in a position to act effectively. No doubt, some devolution of power is possible, and greater self-reliance could be achieved, both on a personal and local level, but this is not a realistic strategy for dealing with the most substantial national problems.

The modern economy consists, from one point of view, of three sectors: the domestic household, the market and the state (or "public household" as it is sometimes called). One line of contemporary thought holds that various functions that the state has historically taken over from the family and communal circle—education, provision for times of economic distress, the resolution of disputes, the care of the sick, the aged and the dependent—ought to be returned to the family or family-like institutions, such as communes or self-help groups. In this urge, traditionalists and radicals sometimes coincide. Another line of thought, more purely conservative, holds that functions the state has assumed ought to be turned over to the free operation of the market. The first of these positions I see as partially right and yet, like decentralization, of secondary importance; the second position, I believe, is wholly wrong and yet somehow closer to the point. For it is in the reconstruction of the market, and its relationship to the public household, that alternatives must be found.

Such an approach has actually been implicit in a great many ideas and reforms discussed in recent years. As I understand it, at least three elements are involved: 1) the creation of new participants in the market—that is, new institutions such as cooperatives and competitive public enterprises, 2) the establishment of new rules and conditions, governing such things as access to information and credit, and 3) the fostering, through such mechanisms as vouchers for health and education, of greater command over resources, among those who would otherwise do poorly in the market.

For historical reasons, the market economy has been associated with the exclusive dominance of private corporations, but the link is neither necessary nor inevitable. There are other alternatives: markets in which public enterprises and consumer and producer cooperatives play a large part. In the United States, "yardstick competition" has long been the justification for competitive public enterprises (CPEs). The Tennessee Valley Authority is the prototype. More recently, Sen. Adlai Stevenson III introduced legislation calling for the creation of a federal oil and gas corporation to exploit reserves on government-owned land.

State enterprises in America have generally been confined to industries where there are "natural monopolies." But as Peter Barnes and Derek Sheare have written ("Beyond Antitrust," *The New Republi* July 6 and 13, 1974), there is no reason why, i industries where monopolistic conditions preva because of the domination of a few firms, competitiv public enterprises could not play a useful role. Barne and Shearer, noting successful precedents in Canad and Europe, call for CPEs in a range of industries: autc steel, aluminum, drugs, banking and insurance. Vari ous levels of government, federal, state and local, coul be involved. There might also be a variety of arrange ments for shared control involving private investors government and the firm's own employees.

CPEs would have three functions. The aim tradition ally has been, first, to stir up competition to produc consumer savings and, second, to permit more ade quate public regulation of private industry, by generat ing direct and independent information on costs anc profits. But in addition to the traditional role as a "yardstick," CPEs might also generate revenues anc thereby reduce the reliance of government upor taxation and borrowing. To do so, they would have tc avoid being forced into "balanced-budget pricing" (*i.e.* pricing just sufficient to cover costs). In some cases municipally owned electric companies have served this purpose. In general, however, the enterprises taker over and operated by Western governments tend to be in failing industries, like railroads, that no longer serve private interests. The importance of going into the kinc of markets mentioned by Barnes and Shearer is that they have high profit margins and could, therefore, serve as major sources of revenue.

While CPEs seem most useful in the oligopolistic sector of the economy, cooperatives have a role to play in the sphere of smaller, more local, more competitive enterprise. Cooperatives, as internally democratic institutions, are governed on a one member, one vote basis and probably work best on a local scale. In America, they have been successful almost exclusively in rural farming areas, but are now enjoying something of an urban renaissance. Cooperatives exist not only in retail distribution, food coops being especially popular these days, but also in housing and health care, where they seem to me potentially more promising. (The Group Health Cooperative of Puget Sound, in Seattle, has almost 200,000 members and its own hospital and clinics.) Yet cooperatives have always been short of capital; here again the state has a role. To avoid the expansion of its own bureaucratic structure, it has to advance the capital for nongovernmental, though not necessarily private activities. Perhaps more important, it has to create favorable legal and political conditions—the sort that private corporations have historically enjoyed.

Through revising the rules and conditions of the market, much can be accomplished, aside from institutional change. There are a whole range of policies that deal with information. Requirements for disclosure of

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tail drug prices, comparative mortgage rates, and the es of physicians, lawyers and other professionals ave lately been acted on or at least been widely iscussed. Such measures help reduce the "market ower" of those, like druggists, bankers and doctors, ho benefit from consumers' lack of readily available iformation on relative prices. The market power of rofessionals and other occupational groups can also be irtailed by eliminating artificial licensing require- ients that block the entry of, say paraprofessionals in iedical care and apprentice-trained practitioners in iw. The regulatory boards that have been set up for ach profession are now dominated by the professions iemselves; they need to be opened up to public epresentatives.

In other areas, such as transportation, there is a need or substantial deregulation. Much of the regulatory ystem, despite the animadversion from private idustry, was created at its behest and in its narrow iterest: witness the recent squeals of trucking firms nd Teamsters when the administration announced its lans to seek deregulation in their industry. There is, owever, no way to disentangle the government from uch areas of the economy completely. A great many unken subsidies, like the enormous investment in ighways, already favor particular interests over thers. Wholesale deregulation, were it possible, would erve to leave past distortions of the public interest mprinted on the society.

Other reforms might involve the national chartering f corporations, and the elimination of some of the rivileges and immunities enjoyed through the corpor- ite structure. Ralph Nader, who has pressed these deas, has also suggested watchdog groups within ompanies, funded by check-offs on consumer bills. The general principle is important: there is a need not nly for information, but for people in positions to nake sense and use of it.

Neither changes in organizational structure nor new ules and conditions, however, would be sufficient. The narket responds only to effective demand, not to ieed—only to what people can afford, not to what may e necessary for them to live. This is, of course, the rucial matter. If the market is to be retained, the government must at least partially correct for the gap etween need and demand by providing its citizens with the purchasing power necessary to survive in it. The distribution of vouchers or "drawing rights" for asic services like education and health care is one way to accomplish this objective, with the least central ureaucratic control. Such a system gives maximum power to consumers who can decide to use their vouchers as they see fit; unfortunately, for that very reason, it also tends to favor consumers who know how to use their resources wisely. Ultimately, income policy, which would include wage and tax reform as well as vouchers are adequate only when combined with changes in the structure and conditions of the market.

Clearly, no institutional form is without its limits and weaknesses. Neither cooperatives nor competitive public enterprises are immune from corruption. (One need only mention the role of the dairy cooperatives in Watergate.) A general tendency toward decay, or loss of commitment, may well prevail in all institutions. This is precisely the reason for retaining the market as well as cultivating democratic processes. In the language of the economist Albert Hirschman, there are two principal means of deterring "slack" in organizations: "exit" (the decision of a consumer to stop buying a product, of a member of an organization to drop out, or of an official to resign) and "voice" (voting, grumbling, protesting, resisting).

It would make things simple and straightforward if "exit" and "voice" could always be built into social institutions at the same time. But as Hirschman points out, one mechanism sometimes erodes the other. The availability of "exit" can lead to the atrophy of "voice": the people most likely to complain are often the first to leave. Thus the existence of alternatives may drain off the most quality-conscious and articulate customers or members, and actually lead to less pressure on organizations. Consequently, in some situations, it may be wise to create barriers to "exit" in order to strengthen "voice"—in other words, one may have to curb the market to improve democratic decision-making.

Considerations such as these complicate the picture. Nonetheless, before trading off "exit" and "voice" as circumstances demand, it is important to recognize that both have intrinsic, not just instrumental, value. People ought to be able to leave organizations and states as they choose, and to participate in decision-making, not only for the good of the institutions and community, but as an exercise of their own freedom. Social policy should, therefore, have as its objective the design of institutions in which the avenues of "exit" and "voice" are both available and effective. (The problem of most people in the world, of course, is that they have recourse to neither.)

An approach along these lines would entail government action, in part because the market economy on its own tends to congeal through corporate concentration. Often the only way to preserve competition, and to make it serve social objectives, is by action of the state. The aim of government should be not to eliminate the market, but to use it, deliberately, through premeditated competition. In that way, perhaps, we can preserve diversity and inventiveness at the same time as we promote distributive justice and a democratic order.

This strategy entertains no illusions about the virtues of the unregulated market or of the unconstrained state. It seeks a third path between socialism and capitalism, as they have classically been conceived. Whether we explore it is a problem of politics, not of theory.

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Arts and Lives

Stanley Kauffmann on films

French Troubles

Special Section (Universal). What continually amazes me about political film is not that there is so little of it but that there is so much. Outside of architecture, film is the most expensive art; and unlike some architecture, film is intended to earn back its investment and more. Political film, no matter how bland it may seem to radicals or how liberal-licking it may seem to conservatives, is always risky. Yet there is a small steady flow. Even if you discount the truly revolutionary films from Latin American countries, the number of political films produced through regular commercial means in capitalist countries may be small but is still somewhat astonishing.

Sometimes a political film is made because the subject is now "comfortably historical," a phrase Martin Ritt heard someone use about the film on the 1950s blacklisting that he is now shooting. But Costa-Gavras, the French director (born Greek) who concentrates on political subjects, has made pictures that could have unsettled his country's relations with the then ruling Greek colonels (*Z*), with the still Stalinoid eastern bloc (*The Confession*), with the US and parts of South America (*State of Siege*). They never had that effect, as far as I know, so perhaps the whole field has a smell of the co-optation that Marcuse says is the last triumph of liberalism over change—allowing dissidents to blow off steam and thus relieve social pressure. And of course, it raises the very question of the efficacy of political art, which is generally of more interest to those violently pro or con than to those whom it is intended to change. Nevertheless, in a world of agents and packages and distributors and grosses, I'm still able to marvel at the occasional political film that is not intended to be emollient.

Costa-Gavras' latest is not his best, although it shows no diminution of his skill sheerly as filmmaker. In *Special Section* he has not only chosen a subject that is "comfortably historical," he is working some rather obvious ironies on politicians' cold-blooded employment of the law. Few people since Aristophanes have had unwavering faith in the probity of politicians, and few people since Daumier have had such faith in French politicians; and although *Special Section* deals with a particularly horrible case, its effect as film—I'm not talking about the actual historical matters—is not particularly horrible.

The script, based on the researches of the historian Herve Villere, is by Costa-Gavras and Jorge Semprun. It deals with a hurriedly written-and-passed law ordered by the Vichy government in 1941 and a Special Section of the judiciary set up to administer it. This happened after the Germans invaded Russia and the French Communists felt free to attack German soldiers in France.

Two youths kill a German officer in the Paris Metro. They are not caught. The government pushes through a law that, against all legal ethics, will punish retroactively, so that they can execute some Frenchmen for the crime—the Germans have asked for six. A court of stooges is found to do the work. Six men who were convicted of quite minor crimes and are awaiting appeal are plucked out of jail and retried. The guillotine is readied. Vichy's rationale is that, by executing the six, they will stave off mass reprisals by the Germans. (As the Occupation wore on, other Special Sections of the French courts also functioned, in effect, as German courts, killing Frenchmen legalistically for the occupying force.)

Our blood ought to chill. But it doesn't quite. The deeper reason is, let's say, arithmetical. Whether we like the Vichy people or not, there's no reason to doubt their motivation: the Germans *would* have killed many more than six, and though that doesn't exactly lessen the tragedy for those six, their position, in that war, was no different from that of the thousands of soldiers who were sent out as decoys from time to time to save the lives of tens of thousands. So what we're seeing is much more a part of the toll of war than a perversion of justice.

And, also, the picture falters because of the script. Costa-Gavras has lost none of his breathtaking ability to make individual scenes and sequences crackle and to make matters fast without making them hurried; and he has virtually unique gift for transformin exposition—the mere laying-out c necessary data—into excitement. He ha cast every role precisely, he has mad locales work for him—either the gran diloquent palaces of Paris or the comical ly crowded hotel headquarters of th Vichy government. Andreas Winding who photographed Bertucelli's movin little film *Ramparts of Clay*, does hi color work well without (appropriately stunning us. Yet the picture runs out o dramatic steam, not so much because w know what's going to happen as becaus we don't know well enough anyone it' going to happen *to*. There are a couple o dozen very sharp vignettes along th way, but there is no central figure with whom we can journey, hope and lose hope. Eisenstein could succeed with th no-protagonist technique in *Potemkin* because, questions of genius aside, the Revolution was his protagonist and the events were very "visible." In *Special Section* we get a great deal of paper-shuffling and anteroom hugger-mugger. Costa-Gavras does kinetic wonders with it, as he did with a man in solitary in *The Confession;* but the wonders are only relative to the non-"visible" material. And the leak toward stasis is heightened because, unlike his three previous political films, he has no principal agonist. (It was Yves Montand in each of those three cases.) The absence of that focus makes us increasingly aware that a pattern is being worked out, rather than that human beings are being crucified. We go through four of the six trials in at least some detail, and Costa-Gavras has to

Films Worth Seeing

The Magic Flute. One can disagree with Ingmar Bergman's concept of Mozart's opera, but his filming of it is genius.

One Flew over the Cuckoo's Nest. Jack Nicholson is tremendous and every actor is good in this dubious allegory set in a mental hospital.

The Sunshine Boys. Walter Matthau and George Burns, as two veteran vaudevillians, make you collapse with laughter until Neil Simon's script collapses.

Swept Away. Rich Italian beauty, poor Italian sailor are castaways. Sharp while on the island, dull back on the mainland.

SK

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work hard to get some variety in them. He obviously felt some lack because he as labored to compensate. He puts arcastic organ music under the inestiture of the puppet court. He shows he judges going to comfy lunch after isposing of their first three victims. He rovides flashbacks of the happier days f two of the prisoners. Such devices vould have been beneath him if he had een surer of the dynamics of his script.

The actors are all excellent, notably ouis Seigner (Alain Delon's boss in *clipse*) as the minister of justice and Aichel Lonsdale (of almost every second rench film and some English ones) as he minister of the interior. We also get a ubstantial look at Henri Serre, whom I aven't seen since he was Jim in *Jules and im*. If only they were all in a better cript.

And yet. . . . three summers ago I pent a week in Tulle, a town in south entral France, scene of the infamous *balcons de Tulle"* incident of the Occupaion. In reprisal for the killing of some of heir soldiers, the Germans went hrough Tulle hanging many of the eads of households from the balconies f their homes. And whom does Tulle urse a grudge against these days? Not he Germans but the Resistance forces hat killed those soldiers, then ran off to et innocent people be hanged for it. The two youths who kill the German in *Special Section* have enlisted six people willy-nilly in the Resistance by shooting their man and running off to let others suffer. Had they any more moral right to do that than Vichy had to offer up sacrificial offerings? The Resistance was helping to gnaw away at villainous tyranny, but Vichy, anti-Semitic and Fascist though it certainly was, unquestionably believed it was saving numbers of Frenchmen. . . .

Maybe Costa-Gavras' film is more disturbing after one sees it than while it's in progress.

The same is not true, alas, of the new film by another French director concerned with social question. André Cayatte, an ex-lawyer, made, among other pictures, *We Are All Murderers* (1952), a cry against capital punishment which is the single most moving social-protest film I know. His latest, *Where There's Smoke* (Libra), is about a young lawyer who tries to stand up against a political machine in a Paris suburb. We never learn why such powerful interests are mad-keen to control this little suburb, and anyway the theme gets lost in a welter of stuff about proving photographic forgery. Bernard Fresson and the ever-welcome Annie Girardot as his wife do their admirable best in vain.

In Memoriam: Central Casting

by Gerald Mast

When Fay Greener steps to the phone to "Dial Central" in *The Day of the Locust*, she enacts a ritual performed by thousands every afternoon between four and six for almost 50 years. Unfortunately for Fay, the operator informs her swiftly (although not nearly so swiftly as a real one did) that there was "No Work." Founded in 1926 as a cooperative venture of all the major studios, the Central Casting Corporation is a shell of its former self in 1975. And for a simple reason: there is no work.

During the years when movie studios were places busily engaged in making movies, Central Casting fed them thousands of extras every day, dispensing the precise number, types, sizes, styles and sorts of human scenery that each shooting company required. For an extra was precisely that: human scenery. And the euphemism by which our superiors addressed us on the set (only an extra had the right to refer to another extra as an extra)—"atmosphere," "background action"—emphasized this conscious reduction of individual human beings to scenic groups and clumps of things.

In the earliest American films of this century's first decade, the only humans to appear in a shot were the principals who performed the focal action. The only human presences in this crudely filmed universe were major presences. But then this was an era in which the walls and doors and building fronts (and even the sky and mountains and trees) were usually painted, two-dimensional flats. Just as the natural universe is a three-dimensional space—functional walls, windows, doors and buildings; genuine trees, mountains, rivers and sky—that serves as the medium for the enactment of genuine human events, other human beings also inhabit that same space, as much a part of a city street as sidewalks, buildings and automobiles.

By 1911, when American films had consciously begun to use that three-dimensional space as the proper cinematic setting for both interiors and exteriors, they had also begun to use much more three-dimensional scenery. One of D.W. Griffith's innovations in texturing the reality of his Biograph films was to depict the diverse and independent life that was going on in the background of a shot as well as the principal action in the foreground. Griffith knew that, as André Bazin later stated, the cinema was a "window on the world." When looking through such a window, the primary action of the shot could not be the only human activity in that physical world. That prominent activity was seemingly culled and isolated from all the diverse human experience that surrounded it. While a train employee transfers the focal satchel of cash in Griffith's *The Lonedal Operator* (1911), other train employees in the background go about their business of loading and unloading freight. His *Musketeers of Pig Alley* (1912) literally teems with the street-life of New York's lower East side that surrounds the principal players and events. By 1915 the concept of the extra was thoroughly and consciously understood throughout the film industry, for Griffith's first wife, Linda Arvidson, explained that her husband deliberately used Negroes as "extra players" in *The Birth of a Nation*.

What exactly was an extra (as opposed to a "bit player," "day player" or some kind of player with which extras were frequently confused)? An extra became much easier to define in 1929 with the birth of the talkies. An extra was a movie actor who did not talk. According to the Screen Extras Guild, an extra was a player who appeared on camera but did not make any articulate or inarticulate noise in a group of less than six. Articulate speech separated the individual human being from the piece of human scenery in a talking film, and if

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such a silent existence seemed smaller and meaner than that of the speaking actors (and it was), it was also steadier and more secure. The average member of the Screen Extras Guild earned 10 times the yearly wage of the average member of the Screen Actors Guild. Very few who worked as extras ever became principal actors or stars (Marilyn Monroe and Julie Newmar were two of the more famous exceptions). And contrary to legend and cliché, very few extras had any hope or wish to be anything but a steadily working extra.

How did you become an extra? Theoretically, you didn't. Seeking a job at Central Casting plunged the applicant into a vicious Catch-22 circle: you could not be registered to work as an extra at Central Casting unless you were a member of the Screen Extras Guild; and (you guessed it) you could not join the Screen Extras Guild unless you were registered at Central. In practice, you broke the circle if you knew someone (University of Southern California footballers, like Mike and Marlin McKeever, and the children of workers in the film industry, like Keenan Wynn's son, Ned, had no trouble). Or you could get lucky (like the friend of mine who appeared at one of Central's regular Wednesday interviews on the very day that they needed two dozen new 18-20 year-olds for *Rally Round the Flag, Boys!* at Twentieth-Century Fox).

You started "calling in" to Central at 3:45 each afternoon. And you called and you called. You spoke your name into the receiver (no hello, no greeting, just your name, as Fay Greener did). The operator returned your terseness with one of three equally terse responses. The quickest and tersest, one was also the worst: "No Work." The operator had seemingly perfected their method of barking this phrase with such rapidity that they reduced it to a monosyllable: "Nerk." On the set among extras, "nerk" was both a noun and a verb (as in, "Did you get a nerk today?" or "Did you get nerked?").

The second response came slower. The operator clicked off for awhile, then returned to say crisply: "Try Later." This meant that someone somewhere would work the next day, but there were no casting directors free at the moment to make you that someone. So you hung up and did not try later. You tried immediately. Perhaps you got another "Try Later" (and so tried immediately yet again). Or perhaps you got that third and wonderful response: "Hold On." You held the line until a casting director clicked on to give you the next morning's call. Not until you got your call or until the last nerk had been nerked were you free to do or think anything else.

You appeared at the studio gate the next morning at the appointed hour, inevitably two hours before you could ever conceivably be used in a shot (but then waiting around was the extra's most routine activity). And when you arrived on the set, the extra's first thought was of money. For an extra worked under a very surprising and enterprising system. Our base salary ($22.05 in 1958, $47.50 in 1975) was for eight hours of "general extra work"—for being a fairly neutral, fairly unindividualized piece of human scenery. Extras liked to think that the base pay was simply for "making crosses"—for walking back and forth miscellaneously in the background of a shot.

But if you were needed for something special, if you were needed to be more individually human and less miscellaneously scenic, you received adjustments to your base pay, as determined by individual bargaining between an extra and the first assistant director. If you were to dance with a principal, c hand her a telegram, or riot in juveni prison, or fight, or swim you coul receive compensation for "Speci Business" (known in the extra's argot a a "whammy"), equal to an addition one-third of a day's pay. And there wer double whammies, triple whammie and, most desirable of all, a "Silent Bit" (very special piece of special business tha was essential to the plot), equal to thre times the base salary rate. Any overtim pay (which the extra received as often a not) was computed as a percentage c the adjusted day's wage, not the bas rate. So the extra's daily wage usuall averaged (and still does) some 40 percen more than the base wage.

I received my financial education o my first day's work. It was a late ca (about noon) at MGM on a hot July da in 1958. We were supposed to be floatin survivors from some ship torpedoed by U-Boat in some film whose title I neve knew (and still don't). The studio hande us some old clothes and transported u by bus to the back lot where we waded i the studio "tank." The wind machine blew, the wave machines churned; w made one take and were excused. M experienced colleagues argued with th "A.D." that we deserved special compen sation for this wet and dangerous work (I couldn't understand what wa dangerous, uncomfortable, or excep tional about a wade in a three-foot tan on a hot July afternoon for 30 minutes. The assistant director must hav thought similarly, for he denied us an special compensation. And that wa that. When the extra felt he had beer cheated, his final recourse was an appea to the Guild, which screened the footag and made a final binding evaluation. A often as not the Guild official agree with the assistant director (as he did fo this shot).

But later that summer, on *Rally Roun the Flag, Boys!*, we extras took a remarkable action when we felt short-changed. We staged a wild-cat, sit-dow strike, violating the industry's Cardina Rule: Thou Shalt Never Hold Up Production. I played a juvenile delinquent in the film, one of my constant incarnations for years (presumably because I was so obviously "clean-cut," including an H.R. Haldeman flat-top, and Hollywood even liked its hoods clean-cut). This allegedly comic disaster (directed by Leo McCarey, no less) culminated in a brawl between the local youth gangs and the garrison of soldiers who had invaded the tranquil New England town. At a Thanksgiving Day

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ageant, with the soldiers dressed as lgrims and the hoods as Indians, a olent riot destroys the festivities. Fire achines belched flames and smoke, pparently engulfing the tents and pees, as we 50 Pilgrim-soldiers and ndian-hoods tussled, wrestled, rashed and fell.

At the end of the day, we assessed the alue of our day's work for the First .D.: stunt pay. We argued that we had erformed stunts that day—violent ghting surrounded by dangerous fire. tunt pay would not only have lifted our ay's wage to $100, but would also have ade us actors not extras (stunt men are embers of the Screen Actors Guild). A onsequence of this shift of unions ould have been that any future days' ork on the film (expected to go another eek) would have to be at the same $100 ate, regardless of the action performed. he First A.D., Jack Gertzman, was not bout to pay 50 people $100 each for very remaining day of shooting. His ffer: a double whammy (double special usiness, or $35.05 for the day's work).

Came the dawn—and the next day's hooting. McCarey needed to shoot the rawl over again from a different angle. Ve won't do it, we said. It's dangerous vork with inadequate compensation and no extra is required to perform vork he considers too dangerous). Ninety minutes later, Gertzman agreed hat we were stunt men.

That $100 (plus the daily overtime ased on that figure) was the most I ever nade for a day of extra work. But then I ad the misfortune of being away at chool and so missed out on being rucified in *Spartacus*. In one of that ilm's monumental images, the evil Roman general punishes the rebellious laves by lining the road to Rome with heir crucified bodies. According to my colleagues, the going rate for crucifixion was $200 a day.

It's obvious that one reason the professional extra is virtually extinct is hat he cost too much. Even in the 1950s, more and more production companies led beyond the 300-mile radius (the imit of the Screen Extras Guild's realm), preferring to shoot in New York, where he Guild had no chapter or members, or n Europe, where none of the American craft unions could influence and elevate production costs. Today an atmospheric Texan played by an extra in Hollywood costs $47.50 a day; an atmospheric Texan in Texas costs $16.80. And that Texas Texan wouldn't know a whammy from a frisbee. In a decade of rising labor costs and decreasing audiences lost to television, it simply became too expensive to pay an ample day's wage to hundreds of pieces of human scenery.

But the extra also died from an esthetic and stylistic shift in values. Just as the studio film represented a kind of purified and perfected ideal—of human behavior, of human psychology and of human settings—so too the human scenery in those films also represented a kind of ideal of those physical, social and geographical types (like the Hollywood preference for the "clean-cut hood"). The new esthetic values in films that developed in the '60s favored the real and the authentic rather than the ideal. Shooting left the studios for real locations and real rooms in real houses in real places other than Hollywood. When the movies left the studios, they also left the extras behind. Those real locations had their own human scenery that authentically inhabited it; Texans in Texas were not only less expensive human scenery than Central Casting could provide, but also much more genuinely atmospheric and flavorful human scenery. Just as the Hollywood studios (like Universal) that survive today do so primarily on television shooting, the extras who still survive do so in television films.

There are exceptions, of course. I got a start recently while watching *Young Frankenstein* when, in the scene in Dr. Frankenstein's medical class, I suddenly found myself looking at the familiar faces of extras. Many of them were literally the same faces with whom I had worked 15 years earlier. We had sat together in high school with Tuesday Weld in *Because They're Young;* we had sat together with Tony Perkins in *Tall Story;* we had been graduated together to college with Paula Prentiss and Connie Francis, in *Where the Boys Are.* Now they had made it to medical school. Perhaps Mel Brooks' decision to use ordinary, old-style extras was a part of his film's parodic conception, for those extras are as much a part of the dead movie past as the Frankenstein genre.

Central Casting, with perhaps 12,000 registered extras two decades ago, now has less than 3000. Only 1500 of those work with any regularity, and less than 500 make a living at it. As Karl Brindell, the current head of Central's somewhat emaciated body, observed: "MGM is in the hotel business now and Twentieth is in real estate." Now there is nerk.

Gerald Mast is author of *The Comic Mind: Comedy and the Movies* (Bobbs-Merrill).

Books Considered

Collected Plays with their Prefaces by Bernard Shaw

(Dodd, Mead; 7 volumes, $15 each)

Twenty-five years after his death on November 2, 1950 Bernard Shaw is very much alive. The cranky, witty non-agenarian's demise had come so close to the centenary of his birth—a traditional time for revaluation—that the usual posthumous period for eclipse and rehabilitation was almost nonexistent; and visiting Shaw's house at Ayot St Lawrence on behalf of the National Trust, to which G.B.S. willed it, Sir Harold Nicolson was dubious about the government's accepting the unpretentious former rectory. "I am not happy about it," he noted in his diary. "I do not think that Shaw will be a great literary figure in 2000 A.D. He is an amazingly brilliant contemporary; but not in the [Thomas] Hardy class."

Throughout Shaw's career as the most public of literary figures he teased readers and audiences about his staying power as a writer. "I may dodder and dote," he predicted in 1898; "I may potboil and platitudinize; I may become the butt and chopping-block of all the bright, original spirits of the rising generation; but my reputation shall not suffer; it is built up fast and solid, like Shakespeare's, on an impregnable basis of dogmatic reiteration."

There was always Shakespeare, under whose reputation other playwrights cowered. But not G.B.S. He had never restricted himself to the theater. With his reputations as music critic, drama critic, political polemicist and social theorist, he could afford what appeared to be challenges to the mighty Bard himself. Part of Shaw's preface to *Caesar and Cleopatra* was even brazenly titled "Better than Shakespeare?"—and the public, ignoring the question mark, assumed he was suggesting he was.

Pokes at Shakespeare persisted to the end of Shaw's life, when he wrote—at 92—a puppet play, *Shakes versus Shav*, in which the rival playwrights debate each other's lines, as Aristophanes in *The Frogs* once toyed with Aeschylus and Euripides. Still, at the curtain, "Shav"

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appeals, "Peace, jealous Bard:/ We are both mortal. For a moment suffer/My glimmering light to shine."

A quarter-century later, G.B.S. is regularly berthed with the Bard. In *Shakes versus Shav*, when the Shakespeare puppet taunts, "Where is thy Hamlet? Couldst thou write King Lear?" Shaw replies, "Aye, with his daughters all complete. Couldst thou/Have written Heartbreak House? Behold my Lear." And this year, while the National Theatre in London has produced a magnificent *Heartbreak House* that sustains its author's confidence in his play, the Shakespeare Festival Theatre (Stratford, Canada) has produced, along with its traditional fare, another Shaw play likely to last, *Saint Joan*. Not long ago the American Shakespeare Theatre (Stratford, Connecticut) produced a moving *Major Barbara*, and the pairings of Shaw and Shakespeare seem likely to continue.

The idea that his plays would become required texts and create a schoolboy aversion to them, or that they would be read or acted as nothing but entertainment, irritated Shaw all his life, which is why the success of *Pygmalion*—one of the great high comedies in English—especially pleased him. "It is so intensely and deliberately didactic, and its subject is esteemed so dry," he claimed, "that I delight in throwing it at the heads of the wiseacres who repeat the parrot cry that art can never be anything else."

Because of the preachiness attributed to Shaw's plays, Thomas Mann eulogized him as "headmaster to the universe," and Shaw himself saw much of the high-jinks in his comedies as the jam to make the pill go down. With so many victories won for issues he dramatized, his work must now live for its timeless qualities, and much of Shavian drama shows the resilience of the popular classic. And that classic image has now been reinforced by an architecturally striking Shaw Festival Theatre, which has arisen at Niagara-on-the-Lake, Canada, and is playing through the Shavian canon. Early in 1976 Joseph Papp will bring *Mrs. Warren's Profession* back to New York, with Lynn Redgrave and Ruth Gordon, and in 1977 he hopes to have Liv Ullmann in *Saint Joan. Mrs. Warren*, although a melodrama written when Shaw was only learning how to become a playwright, remains as powerful as ever. At the Mermaid in London the satire in *The Doctor's Dilemma* has proved still surgically sharp, while *On the Rocks*, that prophetic but seldom-performed early-1930s play about unemployment and unrest has been so successful at the same theater that it has been moved to the West End. At the Albery Theatre, also in London, *Candida* and *Man and Superman* will soon have their turns, with more Shaw still to come on both sides of the Atlantic. Next year, for example, one can expect dozens, if not hundreds, of American productions of *The Devil's Disciple*, Shaw's anticipation of our Bicentennial requirements. What more actable play about the Revolution exists than this spoof by an Irishman? (The Canadian Festival version is already touring, along with a striking *Caesar and Cleopatra*.)

A quarter-century after his death, Shaw's books are read, his plays are produced, his personality is of compulsive interest, his manuscripts are being scrutinized by scholars. Shaw's 52 plays have been released in seven volumes this fall as *Collected Plays with their Prefaces*, and other projects are underway, including an authorized biography, his collected screenplays, his coruscating letters (a third volume is in preparation), a bibliography of his writings and another of publications about him. And *The Shaw Review* itself has just completed its 25th year.

Without question the major new publication about him in the US this season is the *Collected Plays*, which includes, as a bonus to fill out the seventh volume, a number of previously uncollected or unpublished plays and playlets, from the abortive and sardonic verse *Passion Play* which Shaw wrote in his early 20s to *Why She Would Not*, the playlet Shaw sent to the printer in July 1950, when he was 94, just before the fall in his garden which immobilized him and contributed to his death later in the year. Yet every volume contains a sort of bonus, for Dan H. Laurence, the doyen of Shaw studies and editorial supervisor of the series, has included the shrewd program notes, witty self-drafted interviews and other matter which Shaw prepared to help elucidate his plays. The plays themselves are reproduced from the last printings Shaw supervised in his lifetime, which gives them a "definitive" label, although typographical and other errors have not been totally eliminated. Future printings will very likely eliminate even these, some of which had eluded the sharp-eyed Shaw himself, who in the Preface to *Man and Superman* quoted the *mille e tre* (thousand and three) adventures in the *Don Giovanni* "catalogue aria" of Leporello persistently as "*mille etre*," and in Act One ran lines by Octavius into a two-sentence speech which is ur doubtedly Ann Whitefield's. The valu of the current texts, prefaces an augmented material is nevertheless ver high indeed, and the reader of th hilarious self-drafted interviews on th plays in the earlier volumes will even b consoled in his laughter for th necessarily steep price of the set.

The Shavian industry notwithstand ing, G.B.S. is surviving primarily as sure-fire playwright, and we are hi beneficiaries even when the better nev plays we see have another author' name attached. His development of drama of moral passion and intellectua conflict, his ventures into symbolic farc and a theater of disbelief helped shap the theater of his time and after. Despit Harold Nicolson's glum prediction Shaw's "glimmering light" is likely t illuminate stages—and minds—well int the next century, and after.

Stanley Weintraub

Stanley Weintraub is editor of *The Shau Review* and author of two biographica books on Shaw, *Private Shaw and Publi Shaw* (Braziller) and *Journey to Heart break* (Weybright).

Picked-up Pieces by John Updike

(Knopf; $12.95)

John Updike's reviews and essays (thos of the past 10 years are offere here) often boast a cheery intelligence Updike can be charming. True, he ca also be as solemn as the next intellectua who feels himself out of his depth. An he is fond of pressing, if witl sophisticated brevity, a moral pedal. Bu he has a knack for lightness. Asked wha animal he would like to be, he said:

> *A turtle. Turtles live quite long and can retreat immediately, and live very close to the grass, the smell of which I've always liked. I also like the sound of the rain on the roof, which a turtle must get quite a lot of.*

This tips one off to his need for coziness and his tendency to draw back—o which more later. And it shows his buoyant good nature. Unturtle-like, he's quick but, turtle-like, he's gentle Whether enjoying-by-ribbing "the boy-

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ieets-tractor novels of socialist ealism" or the English "public school ystem that tears a lad from his mother's ill-foaming breast and plunges him ito ice water," he pricks lightly, with a lithe flick of the pen.

Another of Updike's virtues, though ss in evidence, is love. His passion for olf ("Is there life after golf?") I leave to iose who share it, but I was moved by is lasting appreciation of writers who nce inspired him: E.B. White, Nabokov, roust. As a rule he is not an infectious ritic—he lacks the chameleon's ardor of articipation. But with Proust, Borges, White, Nabokov (even, giddily, Erica ong), he gets close, he lingers, he ecommends. Here he is on Proust: Proust's tendrilous sentences seek out n essence so fine the search itself is an ct of faith. It was a revelation to me that vords could entwine and curl so, yet eep alive crispness and the breath of tterance." Writing like this is more han description, it has the impetus of iscovery.

Updike is a strong reviewer. In the nain he describes precisely, praises udiciously, criticizes fearlessly and onders seriously (sometimes snow-alling an unsuspecting author with oubts and speculations). And if seldom nward with a book, he recounts and uotes unstintingly (thanks in part to *he New Yorker*'s generous pages).

Yet his general observations often urch to one side, weighed down by pecial pleas. He wants things to stay nuch as they are—or were. For in-tance, haven't sexual changes gone a bit oo far, and social changes much too far? t seems so; they don't feel right. Stiffening against contemporary urrents, Updike's "domestic" sen-iments are occasionally pompous. He lefends sexual taboos, for example, with highfalutin subjunctive: "that potency e conserved." Again, without an "in-tinctive, respectful identification with he people of one's locale," he says oundly, a "genuine belief in the ignificance of humanity, in humane ignificances, comes not at all." But so narrow an identification, history shows, hokes a broad humaneness. (And note he bribery of "genuine," a trick Updike lsewhere chides.) In all, his domestic onservatism seems both willful and wistful. That old pacifier "the heart," you fear, is just on the tip of his tongue.

Updike also "retreats" through religion—but just as his domestic con-servatism is defensive, his faith is self-avowedly "feeble." Lacking visionary substance or heat it enters his criticism (and reviews of fiction comprise most of the book) merely as an awe of "reality." "We love the creation that upholds us," says this author who so likes the smell of grass, "and sense that it is good."

From this derives his creative and critical center: humble (one might say humable) mimesis. A "reverent submis-sion to reality," he asserts, is essential for "lasting art." But the historical past, and not an esthetic absolute, prompts this view. Set it against the harsh achievements of certain modern artists—say, Edvard Munch, Sylvia Plath, or Samuel Beckett—and it shows too sweet, already archaic. It seems to me late to twitter about "our rapt witness to the world that surrounds and transcends us"; late indeed to point reverently to "reality," as if it were something nice or agreed upon, stuck fast.

Updike naturally homes to traditional fiction, defining the novel as "an imita-tion of reality" as against (here a sharp glance at recent French and American writers) "a spurning of it." "Story," to him, is the all-but-necessary sign of a proper submission to "reality"; for, to unfold his thought, a human story centers in "free will, illusion or not," and free will, illusion or not, is our human reality—it is where we are tested. But free will, after all, need not be demonstrated from A to Z; even lyric poems give word of it. The argument is inconclusive.

Then, too, whether a story testifies to the goodness of "the creation" depends—need it be said?—on the story. Nothing in plot itself enforces a reverent submission to "reality," and indeed as Updike here and there defines it, plot hangs back from doing so. It proves double-edged, both edges sharp. To begin with, it arbitrates human behavior, fiction needing "moral ten-sion," "irony," and "retribution" to give it "tug and design." Here "retribution" casts rather a pall. Inversely the world, "so balky and resistant and humiliating" (is this, then, "reality"?) "can in the act of mimesis be rectified, adjusted, chasten-ed, purified" (the adjectives overlapping for good measure). Fiction is evidently less a "reverent submission" than a reprimand to "reality," whether human or cosmic: imaginative justice.

Confused as Updike may be about the relation of plot to "reality," or of "reality" to goodness, he wants the old, old pleasures. "What we want from fiction," he says (the bushy pronoun hiding a hornet's nest), "and what fiction is increasingly loath to give us, is vicarious experience." Again: "What we want from our great imaginers is . . . not patterns but an action, not fragmented and interlaced accounts but a story." Of course plot is still a potent lure and once upon a time, when fiction seemed copied straight from "reality," it could be consummately satisfying. But—witness *Ulysses, Between the Acts, As I Lay Dying*—even in the novel there is more than one way to imagine greatly.

As a critic Updike is more tolerant than his prejudices portend, as if admit-ting that they're losing causes. (In fact he's as much a drag-heeled liberal as a conservative.) Still the prejudices ob-trude. More the indulgent thought is matched by a nondescript style—a surprise coming from the stylist of the fiction. Updike is easily literate, of course, and his adjectives whiz right in, but at the art of the sentence and the paragraph he nods: his sentences lack tautness and his paragraphs grow and grow, getting flabbier.

So one's pleasure in finding these pieces picked up is qualified by the thought that they might have been more carefully set down. The exceptions, few in number, are the portraits of people and places. Updike is delightful on Londoners, Vosnesensky, and himself (though a little boring on the island Anguilla, his essay threatening to rival it in size). How one would like from him a series of profiles—particularly of con-temporary American writers, about whom he tends to be tart. At reviewing he can be slightly heavy but at characterization and description he is perky and he shines.

Calvin Bedient

Calvin Bedient's most recent book is *Eight Contemporary Poets* (Oxford).

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Nabokov's Dark Cinema
by Alfred Appel

(Oxford University Press; $14.95)

"Mediocrity thrives on ideas," Nabokov announced 10 years ago in an interview with Alfred Appel; the admonition, coming from our most entertaining epistemologist, rings not hollow but a little odd. A more intellectually competent writer is hard to find, and Nabokov knows it. Still he likes such injunctions—"ignore allegory" is another—and the tone of frivolity, a bit sententious, is a typical decoy. So Appel is right to discount Nabokov's confession that he has poor memory for movies; this book, a survey of cinematic analogues and sources for the fiction, need not be troubled with charges of imagination running to invention. But it is a new version of an old problem: it magnifies one strand at the cost of distorting the fabric, and thereby raises again the question of where Nabokov's essence is to be found—still in technique, always in dazzling technique?

Nabokov has known the small readership imposed by the imprints of émigré houses, he has seen his *Lolita*—perhaps his masterpiece—packaged for export in illicit-looking Paris editions, heard it championed by Lionel Trilling and Harry Levin against charges of pornography in such journals as *Saturday Review*, and found its title on the jackets of later novels blazoned bigger than the title at hand in an effort to sell by titillation. *Lolita* has been called a book about butterflies, a disguised chess match, and an Oedipal allegory complete with castration of the father (Quilty) by the son (Humbert). Since its author delights in anticipating just such nonsense, it is tempting to speculate that he writes his own criticism over false signatures; one should remember John Ray's Foreward and the Kinbote of *Pale Fire*. But the author laughs last: *Lolita is* all the silly things it has been claimed to be, just as *Othello* is the tragedy of a handkerchief.

Nabokov today remains a victim both of infatuation and the reviewers' game of proving their control over literary majority. It seems fashionable to debunk him, especially with accusations of self-indulgence. "Masturbatory" is now the nasty word.

He is sometimes no better served by his friends. Appel's book, ostensibly about Nabokov's appropriation of film, is really a hymn to his genius for absorption. Digging deep in the archives, Appel juxtaposes photos and quotations, arguing that Nabokov is responsive, and not in a haughty way, to popular culture, which is both pictured and nurtured by the movies. He demonstrates the use of positive cinematic images from slapstick and negative images from the American dream/nightmare world made visible on screen. But he is over-strenuous in answering the charge which he poses and disclaims at the start: that Nabokov is hostile to the "actual world." His study presumably rests on the conviction that movies are somehow more "actual" than books, or that they present a less mitigated form of "reality," the one word which Nabokov says is meaningless without quotation marks.

Too often Appel on movies sounds like *New Yorker*-ish writers on baseball; there is a dislocation of subject, as if the critical act were too constructive and the subject—low culture—perverted by perception in high culture terms. But in discussing "film-noir," Appel makes an important contribution by demonstrating kinship between Nabokov and such directors as Fritz Lang, the "Germanic" Hitchcock, and their Hollywood students; the bitter flavor of pre-Nazi Germany touches them all. Always refuting the nagging charge of aloofness, Appel shows us Keaton stone-faced amid rubble, or a Russian-refugee actor cast for the sake of his sinister accent as Goebbels; he weaves the idea of abandoned man through his chapters, illuminating in a new and satisfying way Nabokov's theme of homelessness.

In a key chapter on Stanley Kubrick's 1962 film of *Lolita*, Appel is unfortunately eager to list the jewels in Nabokov's screenplay which the director discarded. Usually it is with relief, not regret, that we read of Kubrick's deletions, including his eschewal of "film-noir" style, but Appel is reluctant to confront the film as it finally emerged: a work of quiet virtuosity which translates the skepticism of the novel and heightens it poignancy. Kubrick subjects the viewe to a mix of exhilaration and fear tha comes from total directorial control; h enforces the realization that whil watching visible figures we cannc know the truths in their lives, and dem onstrates that this truncation comes nc through any fixable inadequacy i them, in art, or in ourselves, but rathe through the very nature of things. Tha which we can share: the terror c chance, of a conspiring world, of landscape filled with phantom pursuers is charged by Kubrick with the specia fright of daylight. His achievement i expressing these personal, never wholl communicable terrors, makes *Lolita* a f crown for his early career, a companio piece to his war film, *Paths of Glory*. Lik the novel, Kubrick's *Lolita* is simply work of high art. And very dark.

Appel's book, so fiercely loyal t Nabokov, falls short of what h deserves, which is not another excellen compilation of butterflies doppelgängers, even movies, but critical picture of his guts, which hi detractors say he has not got. They ar wrong. He has them. And he remain the only one to show them—in th beautiful pages of Luzhin's madness Hermann's despair, Fyodor's loneliness Pnin's oblivion, Humbert's pair Perhaps a major writer, like natur herself, stores resources and release them when they are needed, but th process must be cooperative, requirin recognition by new readers; in such way Dickens became a "dark" novelist in such a way Swinburne is still chang ing from a howling eccentric to a excruciating poet of despair; Dicken was delayed by the genius of his stories Swinburne by the genius of his music— Nabokov by the density of his ideas.

Bowing to Poe, matching Melville' confidence man and Hawthorne's Pearl obsessed with the limits of knowledg and the inhospitality of old world an new, Nabokov may stand more firmly than we think in the American tradition perhaps this branch of his genealogy should be examined with Appel's kind o energy; perhaps Appel himself wil undertake in his promised study of the whole career a redefinition of Nabokov as an American writer, a task which the present book begins in terms of contemporary culture. While waiting, it is stil right to supplement Trilling's reading (in his 1958 essay) of *Lolita* as a love poem by insisting on the novel's treatment of illusion and its analysis of chance, but Trilling was near the heart

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hen he reminded us that Nabokov, ıore than any gamester, stares straight ıto the alembic in which fate tries its otions; he does not circle coolly around . This is where the essence of his art es, not in cultural observation, nor in ıe metaphysical trappings of speeches n necessity, but in the feel of the ıcts—the facts of human frailty, and of ıe mind's hard work.

Andrew Delbanco

Andrew Delbanco is a graduate student in nglish and American literature at Harard.

Memoirs
by Tennessee Williams

Doubleday; $8.95)

Tennessee Williams' *Memoirs* is a *mélange* of anecdote, rumination, opinon, grievance and celebration. It runs on a double track, jumping easily from past to present and back again. At first here appears to be some thematic point n the juxtapositions. An account of his going hungry in 1939 is followed by a nalicious portrait of Yevtushenko as a capitalist pig," ordering a luxurious unch at the Plaza; the story of his infulfilled, improperly understood atachment to a friend in college is nterrupted by backstage roubles at *Small Craft Warnings*, an necdote in which the unfriendliness of he male performers makes him suggest with only a surface jocularity" that he an use the ladies' dressing room. The nitial hint of complexity is quickly lispelled, however, as the comments in he present come to have only the most enuous connection with the memories hey decorate. Jack Richardson, reviewng *Memoirs* in *The New York Times* Nov. 2), suggests that Williams' determination to keep *Small Craft Warnings* unning provides the book's "thematic ıction," one that reflects his whole :areer, but if that were Williams' ntention when the bulk of the book was written in 1972, he lost control of his tructuring device. As the book progresses, the "present" begins to shift around, wandering from 1972 to 1975, ind the fairly straightforward (if sometimes inaccurate) chronology in the past dissolves. A critic, willing to do Williams' work for him, might suggest that the chaotic presentation of material in the last part of the book is a conscious artistic choice, a stylistic parallel for Williams' mental and physical collapse in the 1960s, but it would probably be more accurate to accept Williams' remark in the Foreword that the book "is written by something like the process of 'free association.'" Not autobiography as art, then, *Memoirs* is presumably "undisguised self-revelation" of Tennessee Williams. But what Tennessee Williams?

Even if he has fallen on evil days commercially and critically, Williams is undeniably one of the best and most important dramatists to have emerged in the American theater, and he insists in *Memoirs* that "my intense life is my work." Yet there is very little in the book about his work beyond a few show-business anecdotes and an occasional line or two which set up expectations that are never fulfilled. It is easy to agree that *Out Cry* "does not hold," that "the narrations are not up to the play" in *The Glass Menagerie*, that *Camino Real* is a "striking but flawed piece," but any reader who cares about the theater will want to know in much more detail why and how these parenthetic judgments are made. I can understand that an author, even one who protests great honesty about his work, might be reluctant to play critic to his own material, but a theatrical autobiographer who hides behind "The plays speak for themselves" is offering his readers nothing. Worse than that, *Memoirs* is offensively condescending to those who might want to take Williams seriously as a playwright: "Of course, I could devote this whole book to a discussion of the art of the drama, but wouldn't that be a bore?" So he drops another elegant name or describes another shapely ass and becomes the garrulous old bore he tries not to be. When he does more than avoid his best potential subject, his tendency toward self-admiration or self-pity (in which he swears he never indulges) is likely to lead him into inaccuracy. He tells us that *Camino Real* sent the first actor into the audience on Broadway (the device was old hat by the time Olsen and Johnson got to it in *Hellzapoppin!*) and that the play "freed so much of contemporary American theater from realistic constrictions," presumably because O'Neill, Lawson, cummings, all those antirealists of the 1920s and 1930s never existed. "And why did the critics turn on me so fiercely in the late fifties and the early sixties?" he asks and posits "a cabal." Three pages after this foolish statement he comments that "the *Times* and the *Trib*" gave rave notices to *Garden District* (1958), and he might have mentioned that *The Night of the Iguana* (1961) won the Drama Critics Circle Award.

At one of those apologetic moments in *Memoirs* when, once again, Williams comments on his reluctance to write about his plays, he says that his "remarkable" life "in its continual contest with madness" is "worth setting upon paper." Yet, he admits elsewhere that "It is difficult to write about a period of profound, virtually clinical depression." The literature of madness is both extensive and impressive, but Williams will avoid "the difficult subject" because "I can't give you a detailed account of it without boring the pants off us both." There are some institutional anecdotes about his hospitalization, ample indication of his distrust of his mother and his brother at that time and reiterations, all through the book, that he is entering in or coming out of one psychological state or another, but none of this has the force of the same material, presented directly in the interview in *Playboy* (April, 1973) or etched in acid in "What's Next on the Agenda, Mr. Williams?" (*Mediterranean Review*, Winter, 1971). The story of his life is, in part, an account of his diseases, real and imaginary, and of his chronic fear of death, but there is finally something unreal about this litany (as there isn't when it is transmuted into fiction in the plays), probably because a man cannot be on his deathbed for 60 years without losing our attention.

If neither the working artist nor the dying artist comes through the *Memoirs*, how about the erotic Williams? I hope not. He presents himself as an intense sensualist, constantly in search of an attachment richer than physical, more extended than the one-night stand. That, too, is a major subject, as his creation of Blanche DuBois can testify, but not in this book. Although there are some gently effective memories of his early, chaste gestures toward homosexuality and clear evidence of the seriousness of his long affair with Frank Merlo, he mostly teases and minces his way though his sex life, coyly not telling ("a bit of discretion's in order") or noisily licking his lips. He babbles about the *letto matrimoniale* in Italy and has an *affaire de coeur* in Paris. This is all supposed to be funny, I think, but as he says in another

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context, "Lately no one seems to laugh at my jokes."

What's left? The artist as celebrity. That means too many famous names, too briefly praised or damned; endless real estate announcements as he moves from house to apartment to hotel, decor-describing all the way; politics and religion, packaged as platitudes. "How much trivia there is to be set down in the record of one's life."

Gerald Weales

Gerald Weales is the author of *Tennessee Williams,* one of the University of Minnesota Pamphlets on American Writers, and a professor of English at the University of Pennsylvania.

Reconsideration

H.L. Mencken

The bastions of men of the world are a gentlemanly and distinguished learning: a broad understanding of all that is going on, but in uncommon fashion, not common . . . and common sense has availed many a man more than the seven arts, however liberal they may be.

—*The Art of Worldly Wisdom,* paragraph 22, by Baltasar Gracian, translated by Martin Fischer.

In what now seem ancient times (*circa* 1926) whenever I was identified to a stranger as a member of the staff of the Baltimore *Evening Sun* almost invariably one question came: "Then you must know Mencken: what is he really like?" As invariably my answer, "The politest man I ever met," had the effect of sending my credibility rating plunging—the usual effect of speaking the exact truth without explanation or interpretation.

Yet it was almost always precisely the information that my questioner lacked. Of course he knew Mencken the controversialist, he usually knew Mencken the editor and literary critic, he possibly had some knowledge of Mencken the philologist of *The American Language,* but probably he had never heard of the very young Mencken who wrote an early, perhaps the earliest American book on the philosophy of Frederich Nietzsche. In later years the author himself inclined to deprecate that book as shallow, which, of course, it is. The young Mencken missed much, but what he did see he reported accurately, so the book was and remains a useful introduction to Nietzschean philosophy—merely an introduction, but not a misleading one.

In recent years the inevitable revisionism has overtaken Mencken. He was boisterous, he was crude, he delighted in buffoonery and slap-stick comedy, he made devastating attacks on sanctimony that sometimes overshot the mark and crashed into sanctity. But by some strange inversion of logic these are presented as his faults whereas they were precisely his great merits, the bases of his contribution to this nation and to the world. The fact—and it is a fact—that Mencken attacked some able and honest men is irrelevant because he attacked them with satire which is ineffective against reality. When he mistakenly hit sanctity, the reality, his blade was shivered in his hand, as the satirist's blade always shivers against solid fact. The solid worth of Mencken was the fact that when he attacked sanctimony the execution he wreaked was stupendous.

Mencken attacked Woodrow Wilson and Franklin D. Roosevelt ferociously but without visible effect because he attacked on the theory that they were empty frauds, stuffed shirts; but if they were stuffed it was with concrete against which Toledo blades will shatter.

As a matter of fact his most valuable work was sociological, not political. He broke the influence of innumerable quacks and shysters, a few of them in medicine or law but by far the greater number in the fields of theology, sociology, pedagogy and economics. He was widely believed to be, above all else, death on politicians, but as a matter of fact he wasn't very good against them. The ones that should have been his chief prey were *so* preposterous that amusement slacked his muscles and twisted his wrist when he drove at them.

A phase of contemporary criticism of Mencken that at a glance seems curious but which a little reflection shows to be perfectly natural is the disposition of the more didactic scriveners to denigrate Mencken's work because he was not a scholar. This is based, of course, on the superstition that a doctorate is the indispensable qualification that alone gives an American the right to form and express an opinion in any intellectual controversy. Mencken was allergic t pomposity in any of its manifestation but frenziedly so when its utteranc took the form of "I am Sir Oracle, an when I open my lips let no dog bark This made him the natural enemy of a pontificators and inevitably the target c their wrath.

Mencken was not a scholar. H learning was immense, but it was that c a man of the world by Gracian definition—"a gentlemanly and distir guished learning: a broad understanc ing of all that is going on, but i uncommon fashion, not common," an this made him an exemplar of the ol Jesuit's further observation that "com mon sense has availed many a man mor than the seven arts, however liber they may be."

A charge with more substance is tha Mencken had a psychological twist tha rendered him incapable of doing justic to any Englishman. This is imprecise; hi distaste approached phobia only whe directed against men who had nc merely attacked but beaten Germany The targets of his bitterest detestatio were Wilson and the second Roosevel neither of whom was technically Englis by birth or by descent. Wilson's fore bears were Ulstermen, and Roosevel counted among his American ancestor natives of Holland and six other nations But both participated in attacks o Germany and, what was worse, attack that succeeded.

There is little reason to doubt tha Mencken's Anglophobia, like his demo phobia, was accentuated, if not engen dered by a bruising disdain of hi Teutonic origin in his schooldays whe the German immigration was still nev enough to receive the sniffish treatmen accorded to each new wave by it predecessors. In Maryland, even th first of all, George Calvert's Englisl Catholics, in Cromwell's time wer invaded, conquered and subjugated b the Virginia English Protestants. Bu the Virginia Protestants were read enough to join Lord Baltimore's Catho lics in sniffing at both the Irish Catholic and the German Protestants who begar to arrive in the early 19th century. B the time Mencken reached voting ag Maryland Germans had attained status that permitted them to do thei own sniffing at the Italians and Slav who were later arrivals. But the psychi damage remained and was inflame anew by the really insane treatmen accorded perfectly loyal German Americans at the time of World War I.

In Mencken's case the distaste was

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eneric, not individual. He had friends, ghly valued friends of all nationalities, l creeds and all classes, but that he was ost at ease among old family friends of erman extraction is certainly true.

Certain persons who regard themelves as most highly civilized consider as of this kind a moral defect so serious to remove a man from consideration a thinker. But is this view really ighly civilized or merely insipid? Assuedly bias of any kind, racial, national, eedal or what not, carried to an xtreme runs into insanity. But to men f high intelligence who understand, as iracian says, "in uncommon fashion, ot common," it may have been an nergizer that enabled them to get hrough in an hour, work that would ake most of us a day. That kind of nergy Mencken had certainly obtained om some source.

It is generally agreed that his function vas that of an intellectual dynamiter nd it is the common fashion to regard a ynamiter as invariably an agent of estruction. But now that physical rban renewal has become a matter of rgent and immediate necessity there is o excuse for cherishing that delusion. ny urban dweller who has used his yes to any effect whatever must have ad a visual demonstration that the ynamiter is the indispensable predeessor of the architects and engineers, iving them room to do their work.

The most thunderous single charge hat Mencken ever set off was the essay ntitled "Sahara of the Bozart" whose hesis was (a) that the states of "the late Confederacy" had produced what was robably the finest civilization that the epublic ever saw, but (b) the sons of the entlemen who produced that civiliza- ion had been exterminated in the Civil War so that (c) the inferior human stock urviving had sunk to such a level that if new deluge wiped out the whole opulation of those states the loss to the ntellectual and artistic life of the epublic would be about that inflicted by flood along the Yangtze Kiang.

The response was a storm of vituperaion which Mencken expected and believed sustained his thesis; but what he did not expect and rather took him back was a counter-storm of cheers and aughter, by no means exclusively from he younger generation. It came also rom the very considerable number of nature Southerners who realized that he essay wasn't factual and was not inended to be. It was dramaturgy, which someone has defined as a presentation of life accurately proportioned, but magnified by 10 diameters. As I have argued elsewhere, I believed then, and believe now that about 1922 the South was actually 10 percent as bad as Mencken said it was. But the all-important point was that it was bad in exactly the way that Mencken said it was, to wit, in that its intellectual life was based on rosy, romantic fantasies, not on truth and therefore was essentially fraudulent, therefore ridiculous.

That I thought at the time was accurate and I think so today. I thought then that Mencken's political theory had died with Otto von Bismarck in 1898, and his economic philosophy with the Rev. William Graham Sumner in 1910, and I think so now. I knew him then as a courteous gentleman in his personal relations and professionally capable of extravagant expenditure of time and labor in behalf of any man, especially any young man whose work he thought was being heavily undervalued; and nothing since has caused me to change that opinion.

It follows that any reconsideration of Mencken by me must be strictly limited. It applies not to the man, but to the social force. In that role he was prodigious at the time, but I think would count for little now. At that moment, just after World War I, the country was infested with mountebanks and pompous frauds in incredible numbers. These Mencken pursued and belabored with a slap-stick, which is precisely the weapon most effective against a Tartuffe or a Bombastes but not against a Blackbeard or a Captain Kidd.

The frauds of Mencken's day were adept at stealing credit to which they had no lawful claim and fairly good at stealing cash when they could lay hands upon it under some pious pretense. But our modern felons are sterner stuff. They abscond with the cash in fabulous quantities, but the great prize they aspire to seize is nothing short of government itself—the sovereignty of the people. Against felons of that size a slapstick is useless and a policeman's club none too effective. What we need is a battering-ram such as FDR constructed to stave in the gates of the castle of privilege. Mencken was a man of his time and a valuable one, but this is not his time. *Requiescat in pace;* a burlier, dirtier, uglier fighter is required for this crisis.

Gerald W. Johnson

The Back of the Book

A Christmas Carol

Dickens made us think that the third ghost did the trick, but I believe it was the first. Naturally Scrooge was terrified by the image of his future death, just as he was mortified by the promise of its anonymity; after a night of whooping and rattling he was ready to swear to anything; and the prognosis for Tiny Tim undoubtedly touched his heart. Still, what really turned the tide, I think, was the first vision conjured by the Ghost of Christmas Past, the one of Scrooge as a boy sitting at his desk in the near-deserted school at Christmas time. That was Scrooge as we'd hardly known him, as he hardly knew himself, no less lonely than the man he grew into, and certainly no happier; only young.

Christmas Past is the least picturesque of Dickens' spirits. It has none of the fierce boisterousness of the Ghost of Christmas Present, none of the grey dreadfulness of the Ghost of Christmas Yet to Come. A prosaic bear-but-a-touch-of-my-hand ghost, it displays its episodes to Scrooge like a conventional historian, altering nothing, almost never stating the morals of the tales, or recriminations. The past has already happened, so what can a guide say but "there"? And it's a gentle ghost, besides; it doesn't overact like Marley.

Nevertheless it is "a strange figure" that parts Scrooge's bed curtains: "like a child; yet not so like a child as like an old man, viewed through some supernatural medium, which gave him the appearance of having receded from the view,

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and being diminished to a child's proportions." The ghost embodies time. It knows, as Scrooge learns, that the past is as mysterious as the future, just as out of reach, as imprecise and malleable as the present, and as likely to be falsely seen or spoken for. The past is as wide open as the future too. When the ghost shows young Scrooge to the old it has had to choose carefully. All that immense and jumbled time in the old man's life, but only certain things will affect him. The boy at the desk is the first thing Scrooge sees on his journey, and he is immediately moved to tears.

Of course the sight of oneself as a child is grossly sentimental. Dickens-haters love to trample such scenes and repeat Oscar Wilde's observation that anyone who would not laugh at the death of Little Nell must indeed have a heart of stone. A hurt and lonely child is hard enough to bear, much less when that child is you, before the fall. You want back everything you were, and there you are: able to be hurt, unable to hurt back, unencumbered by your own ill will. As superintendent of such scenes, the Ghost of Christmas Past doesn't need to hoot and holler; there's terror enough in the act—to hurl back all those years and be the future gaping at the past as if it were bright as the future.

This is happening in Scrooge's mind: both the boy at school, and Scrooge looking at the boy. The man reaches for the child and vice versa, though they are reaching for two different things—Scrooge wishing to be young, but not lonely; the child wanting to be old, but not Scrooge. Neither will have it his way, yet Scrooge weeps "to see his poor forgotten self as it used to be." Why? Does he really seek to recover all that punishing innocence?

Perhaps he sees something else in his past, something other than young Scrooge, that he wants back. It could be his imagination, so long held in check, but which, as he recalls, ran wild as a boy. Maybe his imagination is coming back to him tonight for a fling on Christmas Eve—unless you really believe in ghosts. Any mind that could fancy such a journey as Scrooge's can't be all gone. And Scrooge is not hopeless, after all. He has been caricatured by time, but looked at coldly, he is merely a bony Republican—not an honorable calling, but no devil either. Perhaps it is the past itself that reduces Scrooge to tears.

After the visitations Scrooge swears that from now on he will live in the past, present and future, thus giving equal consideration to each ghost. But in fact Scrooge has always lived in the present and future, essential for "a good man of business"; it was the past that he had neglected, and the dead. "Old Marley was as dead as a door-nail," Dickens tells us in the first paragraph of the story; but how dead is a door-nail? As dead as a door knocker, that's for sure, yet the knocker on Scrooge's door is alive with Marley, and Marley with it. "The wisdom of our ancestors is in the simile," says Dickens. Exactly.

Dickens goes to some lengths to remind us that Marley is dead: "this must be distinctly understood, or nothing wonderful can come of the story." It must be distinctly understood that time past is time present, as Eliot's confused narrator says in *The Four Quartets*, that all time is both "eternally present" and "unredeemable." Hamlet must meet his ghost, Scrooge his. Scrooge's nephew tells him that "we are all fellow-passengers to the grave," but occupants of the grave make passage too. Marley fairly shrieks at Scrooge to believe in him.

Marley, as Dickens says straight out is the key to Scrooge's salvation. The chains he drags have the gift of metaphor; a chain is ponderous when it stands for worldly selfishness, but a chain may also link man to man, man to boy, and the past to the present and future. What do you want with me, Scrooge asks Marley, who answers, "Much." What Marley and Dickens want of Scrooge is nothing short of the awareness of eternity.

The sense of his place in time makes Scrooge weep—more than the sight of his lonely boyhood or the memory of his lost imagination. The boy in school achieves an epiphany in Scrooge's tears because he is not merely the image of one man as one child, but of all mankind deserted. When a connection is made, when Scrooge's sister Fan says that Ebenezer is welcome to come home for Christmas, that he has a home to come to, and a father, Scrooge weeps more deeply. This is the real mystery brought by the Ghost of Christmas Past: that life is bound to life, and that there is a natural order in which a strong life may tend toward a weak one, as Scrooge will finally tend toward Tiny Tim.

So Scrooge goes back in order to go forward, and when finally he goes forward, he goes back, behaving "as a schoolboy" when he discovers on Christmas morning that it is not too late to act on his repentance, that "the Time before him was his own." He says, "I'm quite a baby . . . I'd rather be a baby,' which is proper in a season made for children. Then he walks around the city patting heads and questioning beggars, like Marley's ghost "abroad among his fellow-men."

He enjoys Christmas present, and we are assured that from now on he will know how "to keep Christmas well." To keep it is to preserve it as one does the past, not as in a museum case but as it really is—a state of consciousness no deader than a door-nail. He knows that for Christmas to be kept in the present, it must be remembered, and when it is remembered as a time of going from loneliness to comfort, of the sudden and necessary revelation of our humanity, then it will be kept well. In time present, Scrooge the munificent strolls through London feeding the hungry and curing the lame. But he also still huddles at his school desk, waiting for a relative to take him home. Eventually he will learn that he is that relative, and weep for the life we share.

Roger Rosenblatt

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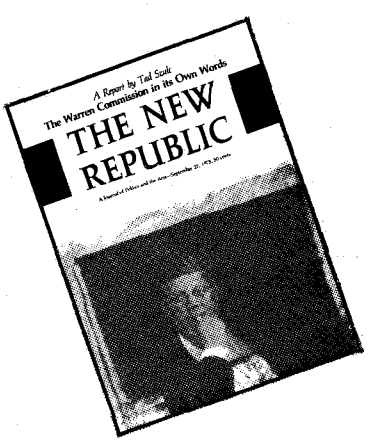

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Correspondence

Disappearing Act

To the editors:

I was startled at the thinking behind Joel Solkoff in his article, "Another Great Grain Robbery?" (*TNR*, Nov. 15). The embargo hit the market just when it seemed to farmers that *this year* they could *make some money*." True the traders and speculators on the Chicago Board of Trade probably made the most of the high-flying markets over the past two years, but the farmers also cashed in. Grain farmers had record incomes last year—and they will continue high this year. Just recently an article in *The New York Times* indicated many farmers in the "Garden State" (NJ) have switched or are switching from growing vegetables to growing corn or soybeans because of better prospects for profits.

Mr. Solkoff calls the embargo another great grain robbery persumably because it prevented the farmer from making a killing—*i.e.*, six dollars for wheat and 4.50 for corn. " . . . wheat and corn farmers found themselves the victims of a conspiracy among the US government, the private grain trading companies and the Soviet Union to keep their prices artificially low."

Without the embargo, the conspiracy would have been against the urban consumer, who would have seen food prices shoot up another 15 percent this year.

Theodore E. Young
New York, New York

In reply:

On the day that Mr. Young wrote his letter (Nov. 14), *The Wall Street Journal* and other financial newspapers reported the prices that farmers were receiving for their grain. In Kansas City, for example, farmers were selling their wheat for $3.64 a quarter bushel. Last year, the price was $4.87 a half bushel. Last year, the Soviet Union bought 1.8 million metric tons of grain from the United States, and this summer—when the embargo was imposed—the Soviet Union had purchased 10.2 million tons of grain from the United States. Mr. Young's statement, "Grain farmers had record incomes last year" is wrong. Net farm income for 1974 was 15 percent below that of 1973. (Much of the decline was attributed to poor grain crops. When you don't have the grain to sell, high prices don't help much.) On November 17, the US Department of Agriculture estimated that net farm income for 1975 would be 10 percent below that of 1974. (That includes the price advantages resulting from the Russian sales.) Meanwhile, the Departments of Commerce and Agriculture have redefined "farm," so that, according to the testimony of Patric Mullen, research director of the National Sharecroppers Fund, 570,000 low-income farms will be eliminated from the agricultural census. "[O]ne out of every five American farms suddenly becomes a non-farm." The purpose of the redefinition, according to Rep. Charles Rose (D, NC), chairman of the Subcommittee on Small Farms and Rural Development, is "so the administration can say that net farm income is improving when the figures are released in time for the presidential elections next year."

Unfortunately Mr. Young appears to have missed the principal point of my article, namely, that the embargo was not really an embargo. I described how American grain was being sold to the Soviets when the embargo was reported to be in effect. The immediate consequences of the imposition and lifting of the phony embargo mean simply that farmers have been forced to sell their grain for less than it is worth, the Soviets paid less than they should have for it, the large grain exporting companies made huge profits, and the urban consumer will pay more for food. So, on the one hand you have low farm prices and on the other high food prices. This is the price that all of us pay for a government without an agricultural policy. Attempts, like Mr. Young's, to pit the farmer against the consumer are bad karma and bad economics.

Joel Solkoff

Morse Memorial

To the editors:

A tribute to Wayne Morse is being established at the University of Oregon, where he was dean of the law school for 14 years. The Wayne Morse Chair of Law and Politics is designed to uphold the Morse tradition of scholarship, foresight and independence, which led to his opposition to US intervention in Vietnam as early as 1954.

The professorship will be taught by a succession of well-known public figures who have made contributions to the rule of law, representative government and world peace, three of Wayne Morse's major concerns. It will provide an opportunity for students to examine classroom theory in light of the practical experiences of the visiting professors. Through the Chair, we hope to keep the example of Wayne Morse alive and to encourage students' interest in politics.

The sum needed to establish the Wayne Morse Chair of Law and Politics is $500,000, to be financed by private, tax-deductible gifts. To contribute or to receive more information, write The Wayne Morse Chair of Law and Politics, University of Oregon, Eugene.

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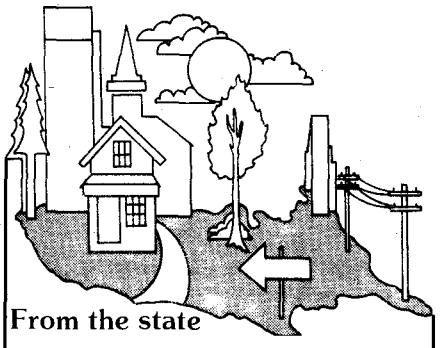

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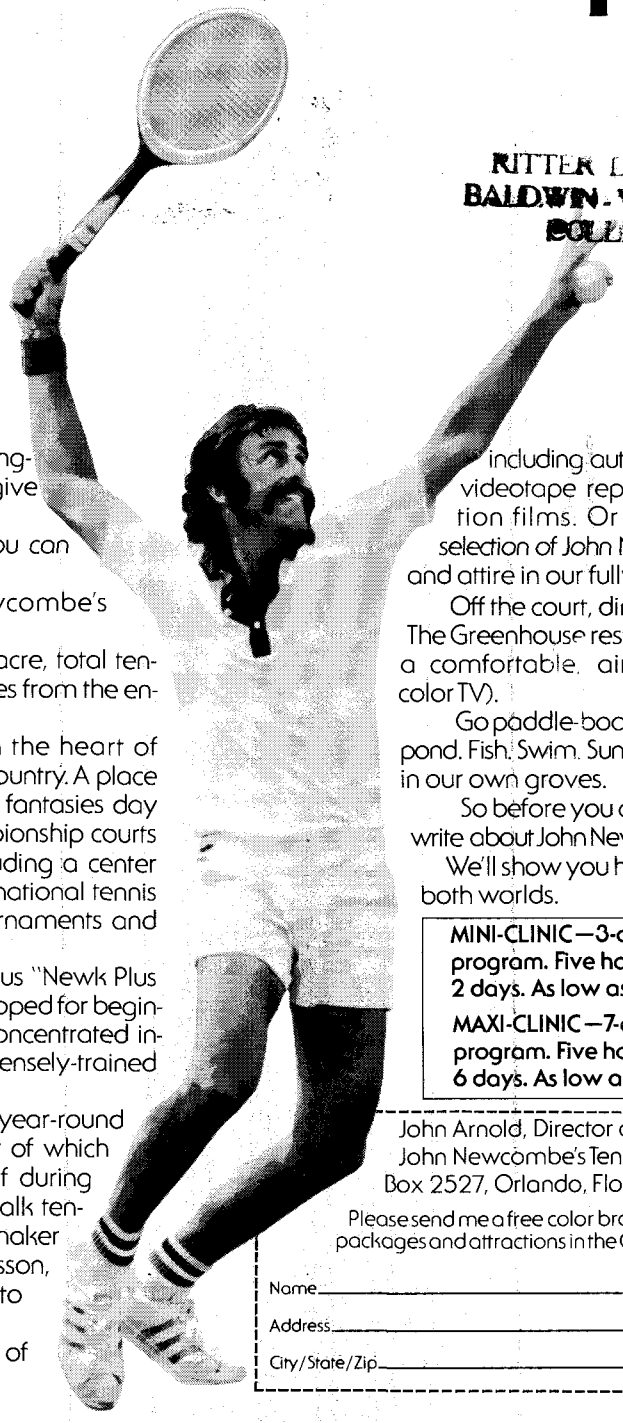

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